United Nations S/2001/1236

Security Council

Distr.: General
24 December 2001
English
Original: French

Letter dated 20 December 2001 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from the Bahamas, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you would arrange for this letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Counter-Terrorism Committee

01-71479 (E) 281201 020102

Annex

[Original: English]

Note verbale dated 20 December 2001 from the Permanent Representative of the Bahamas to the United Nations addressed to the Chairman of the Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

The Permanent Mission of the Commonwealth of The Bahamas to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning Counter-Terrorism and has the honour to refer to the latter's note dated 29 October.2001, regarding the report on measures taken to implement Security Council resolution 1373 (2001) adopted by the Security Council on 28 September 2001.

The Permanent Mission of the Commonwealth of The Bahamas is pleased to advise that the Government of The Bahamas has taken the following steps:

1. Pursuant to the International Obligations (Economic and Ancillary Measures) Act 1993, the Governor General, on 25 September 2001, executed the International Obligations Economic and Ancillary Measures (Afghanistan) Order 2001. (S.I. No. 139 of 2001). A copy of this Order is contained in enclosure I.

2. This Order prohibits the sale or supply of goods to Afghanistan; prohibits the provision of financial services to or any business with Osama Bin Laden and the Al Queda organization of any individuals or entities associated with them. The Order also freezes any accounts held in the name of Osama Bin Laden, the Al Queda origination or any person or organization associated with them as designated from time to time by the Attorney General after consultation with the Governor of the Central Bank of The Bahamas and the Director of the Financial Intelligence Unit.

3. To ensure that the financial services industry of The Bahamas was not used for terrorist activity, a Task Force was established to monitor the implementation of the Order. The Task Force is chaired by the Attorney General and the Minister of Justice and is comprised of the Governor of the Central Bank of The Bahamas, the Director of the Financial Intelligence Unit, the Director of Legal Affairs, the Director of Public Prosecutions, the Inspector of Financial and Corporate Service Providers, the Executive Director of the Securities Commission, the Compliance Commission and senior police officers. The Task Force meets biweekly.

4. The Attorney General, after consultation with the Governor of the Central Bank and the Director of the Financial Intelligence Unit has issued four notices under the International Obligations (Economic and Ancillary Measures) Order. These notices were issued on 27 September 2001, 16 October 2001, 12 November 2001 and 15 November 2001.

5. As a result of the notices being forwarded to the financial institutions, three accounts totalling in excess of US$ 32 million were frozen as a

protective measure because of the similarity of names of alleged terrorists appearing on the lists.

6. During the week of 22 October 2001, a team from the United States of America comprising officials from the Federal Bureau of Investigation, the Financial Crimes Enforcement Network, the Internal Revenue Service, the Secret Service, the Federal Reserve Bank and the United States Customs visited The Bahamas and assisted in the investigation of the source of the $32 million. As a result of the investigation, it was determined that none of the funds were connected to any of the terrorists named on the lists and the funds were released.

7. The Office of the Attorney General is currently drafting a Terrorism Bill to specifically define and criminalize terrorism and to provide special remedies and special powers to law enforcement agencies of investigation and punishment of terrorism.

Further, existing laws relating to the seizure, confiscation and forfeiture of assets are being reviewed for amendments where appropriate, to allow for the effective disruption of the flow of any funds, shown or suspected to have been used to facilitate terrorist activities. This would include, but is not limited to, funds used to provide food, housing, equipment or training. Every effort is being made to expedite this process.

8. As a result of the Financial Action Task Force (FATF) Special Meeting on the Financing of Terrorism held in Washington, D.C., on 29 and 30 October 2001, the FATF expanded its mission beyond money laundering and agreed to a set of Special Recommendations on Terrorist Financing and also agreed to a Comprehensive Plan of Action. As a part of this Plan of Action a Self-Assessment of all FATF members against the Special Recommendations was proposed.

The Caribbean Financial Action Task Force (CFATF) is also taking part in this self-assessment exercise and the Self-Assessment Questionnaire was forwarded to all CFATF members.

The Bahamas is in the process of completing its questionnaire for submission to FATF by 31 December 2001.

9. The CFATF has also developed an action plan for CFATF members. A copy of this Action Plan is contained in enclosure II.

Enclosure I

S.I. 139 of 2001

THE INTERNATIONAL OBLIGATIONS (ECONOMIC AND ANCILLARY MEASURES) ACT, 1993
(No. 17 of 1993)

THE INTERNATIONAL OBLIGATIONS (ECONOMIC AND ANCILLARY MEASURES) (AFGHANISTAN) ORDER, 2001

The Governor-General, in exercise of the powers conferred by section 3 of the International Obligations (Economic and Ancillary Measures) Act, 1993 makes the following order -

Citation and commencement.

1.(1) This Order may be cited as the International Obligations (Economic and Ancillary Measures) (Afghanistan) Order, 2001.

(2) This Order shall come into operation on the 25th day of September, 2001.

Prohibition on sale or supply of goods to Afghanistan.

2. No person shall -

(a) directly or indirectly supply, sell and transfer to the territory of Afghanistan under Taliban control, arms and related materials of all types including weapons and ammunition, military vehicles and equipment, paramilitary equipment and spare parts in respect of the aforementioned;

(b) directly or indirectly sell, supply and transfer to the territory of Afghanistan under Taliban control, technical advice, assistance or training related to the military activities of the armed personnel;

(c) sell, supply or transfer the chemical acetic anhydride to any person in the territory of Afghanistan under Taliban control.

Prohibition on flights to and from Afghanistan.

3.(1) Subject to subparagraph (2) no aircraft shall be permitted to take off from, land in or fly over The Bahamas if that aircraft is destined to land or has taken off from Afghanistan.

(2) The prohibition expressed in subparagraph (1) shall not apply to flights of a humanitarian nature.

Prohibition in dealing with property.

4. The dealing by any person in The Bahamas or any Bahamian outside The Bahamas in any property wherever situated held by or on behalf of -

(a) the territory of Afghanistan under Taliban control;

(b) Usama bin Laden (also known as Osama bin Laden); or

(c) the Al-Qaida organization (also known as the Al-Qaeda organization)

is prohibited.

Prohibition of provision of financial services.

5. The provision or acquisition by any person in The Bahamas or any Bahamian outside The Bahamas of financial services or any other services to, from or for the benefit of or on the direction or order of -

(a) the territory of Afghanistan under Taliban control;

(b) Usama bin Laden (also known as Osama bin Laden);or

(c) the Al-Qaida organization (also known as the Al-Qaeda organization);

is prohibited.

Prohibition on banks and financial institutions.

6.(1) No bank or financial institution licensed in The Bahamas shall transact any business with Usama bin Laden (also known as Osama bin Laden), the Al-Qaida organization (also known as the Al-Qaeda organization) or any individuals or entities associated with or allegedly associated with Usama bin Laden (also known as Osama bin Laden) or the Al-Qaida organization (also known as the Al-Qaeda organization) as designated, from time to time, by the Attorney General after consultation with the Governor of the Central Bank of The Bahamas and the Director of the Financial Intelligence Unit.

(2) All banks and financial institutions licensed in The Bahamas are hereby ordered to freeze all accounts held in the name of Usama bin Laden (also know as Osama bin Laden), the Al-Qaida organization (also known as the Al-Qaeda organization) or any individuals or entities associated or allegedly associated with Usama bin Laden (also known as Osama bin Laden) or the Al-Qaida organization (also known as the Al-Qaeda organization) as designated, from time to time, by the Attorney General after consultation with the Governor of the Central Bank of The Bahamas and the Director of the Financial Intelligence Unit.

Made this 25th day of September, 2001.

Governor-General

THE INTERNATIONAL OBLIGATIONS (ECONOMIC AND ANCILLARY MEASURES) ACT, 1993

PUBLIC NOTICE

TAKE NOTICE that pursuant to paragraph 6(1) of the International Obligations (Economic and Ancillary Measures) (Afghanistan) Order, 2001 the undermentioned individuals and entities have been designated by the Attorney General after consultation with the Governor of the Central Bank and the Director of the Financial Intelligence Unit.

NAMES AND DATE OF BIRTH HERE AVAILABLE

AL-JADAWI, Saqar

Al-kadr, Ahmad Sa'Id

AL-SHARIF, Sa'd

Ayadi, Chafiq bin Muhammad

ABDULLAH, Abdullah Ahmed (a.k.a. ABUMARIAM; a.k.a. AL-MASRI, Abu Mohamed; a.k.a. SALEH), 1963

AL-LIBY, Anas a.k.a. AL-LIBI, Anas; a.k.a. AL-RAGHIE, Nazih a.k.a AL-RAGHIE, Nazih Abdul Hamed, a.k.a. AL-SABAI, Anas), 14th May, 1963

AL-MUGHASSIL, Ahmad Ibrahim (a.k.a. ABU OMRAN, a.k.a. AL-MUGHASSIL, Ahmed Ibrahim, 26th June, 1967

AL-NASSER, Abdelkarim Hussein Mohamed

AL-YACOUB, Ibrahim Salih Mohammed , 16th October, 1966

ALI-Ahmed Mohammed Hamed (a.k.a. ABDUREHMAN, Ahmed Mohammed; a.k.a ABU FATIMA; a.k.a. ABU ISLAM; a.k.a. ABU KHADIIJAH; a.k.a. AHMED HAMED, a.k.a Ahmed The Egyptian; a.k.a. AHMED, Ahmed; a.k.a. AL-MASRI, Ahmad; a.k.a. AL-SURIR, Abu Islam; a.k.a. ALI, Ahmed Mohammed; a.k.a. ALI, Hamed; a.k.a. HEMED, Ahmed; a.k.a. SHIEB, Ahmed, a.k.a. SHUAIB), 1965

ATWA, Ali (a.k.a. BOUSLIM, Ammar Mansour, a.k.a. SALIM, Hassan Rostom, 1960

ATWAH, Muhsin Musa Matwalli (a.k.a. ABDEL RAHMAN; a.k.a. AL-MUHAJIR; Abdul Rahman; a.k.a. AL-NAMER, Mohammed K.A.), 19 July, 1964

BIN MUHAMMAD, Ayadi Chafiq (a.k.a. ALADI, Ben Muhammad; a.k.a. AIADY, Ben Muhammad; a.k.a. AYADI CHAFIK, Ben Muhammad; a.k.a. AYADI SHAPIQ, Ben Muhammad), 21 Jan, 1963

El-HOORIE , Ali Saed Bin Ali (a.k.a. AL-HOURI, Ali Saed Bin Ali; a.k.a. EL-HOURI, Ali Saed Bin Ali ,10 July, 1965

FADHIL, Mustafa Mohamed i (a.k.a. AL-MASRI, Abd Al Wakil; a.k.a. AL-NUBI, Abu; a.k.a. ALI, Hassan; a.k.a. ANIS, Abu; a.k.a. ELBISHY, Moustafa Ali; a.k. FADIL Mustafa Muhamad; a.k.a. FAZUL, Mustafa; a.k.a. HUSSEIN; a.k.a. JIHAD, Abu; a.k.a. KHALID, a.k.a. MAN, Nu; a.k.a. MOHAMMED, Mustafa; a.k.a., YUSSRR, Abu, 23 June, 1976

GHAILANI, Ahmed Khalfan (a.k.a. "AHMED THE TANZANIAN"; a.k.a. "FOOPIE"; a.k.a. "FUPI", a.k.a. AHMAD, Abu Bakr; a.k.a. AHMED,A; a.k. AHMED, Abubakar; a.k.a. AHMED, Abubakar K., a.k.a. AHMED, Abubakar Khalfan; a.k.a. AHMED, Abubakary K.; a.k.a. AHMED; Ahmed Khalfan; a.k.a. AL TANZANI, Ahmad; a.k.a. ALI, Ahmed Khalfan; a.k.a; BAKR, Abu; a.k.a.. GHAJLANI, Abubakary Khalfan, Ahmed; a.k.a. GHAILANI, Ahmed; a.k.a. GHILANI Ahmad Khalafan; a.k.a. HUSSEIN, Mahafudh Abubakar Ahmed Abdallah; a.k.a.KHABAB, Abu; a.k.a. KHALFAN, Ahmed; a.k.a.MOHAMMED, Shariff Omar) 1 August, 1970

MOHAMMED, Fazul Abduljah (a.k.a. ABDALLA, Fazul; a.k.a. ABDALLAH, Fazul; a.k.a. AISHA, Abu; a.k.a. AL SUDANI, Abu Seif; a.k.a. ALI, Fadel Abdajiah Mohammed; a.k.a FAZUL, Abdalla; a.k.a. FAZUL, Abdallah; a.k.a. FAZUL, Abdallah Mohammed; a.k.a. FAZUL, Haroon; a.k.a. FAZUL, Harun, a.k.a. HAROON; a.k.a.. HAROUN, Fadhil; a.k.a. HARUN; a.k.a. LUQMAN, Abu; a.k.a. MOHAMMED, Fazul; a.k.a. MOHAMMED, Fazul Abdilahi; a.k.a. MOHAMMED, Fouad; a.k.a. MUHAMAD, Fadil Abdallah), 25 December, 1975

MOHAMMED,Khalid Shaikh (a.k.a. AL-Salem; a.k.a. BIN KHALID, Fahid Bin Adballah; a.k.a. HENIN, Ashraf Refaat Nibith; a.k.a. WADOOD, Khalid Adbul) 14 April, 1965

MSALAM, Fahid Mohammed Ally (a.k.a. AL-KINI, Usama; a.k.a. ALLY, Fahid Mohammed; a.k.a. MSALAM, Fabad Ally; a.k.a. MSALAM, Fahid Mohammed Ali; a.k.a. MSALAM, Mohammed Ally; a.k.a. MUSALAAM, Phid Mohammed Ali; a.k.a. SALEM, 19 February, 1976

MUGHNIYAH, Imad Faiz (a.k.a. MUGHNIYAH, Imad Fayiz), 7th December, 1960

SWEDAN, Sheikh Ahmed Salim (a.k.a. Ahmed the Tall; a.k.a. ALLY, Ahmed; a.k.a. BAHAMAD; a.k.a. BAHAMAD, sheik; a.k.a. BAHAMADI, Sheikh; a.k.a. SUWEIDAN, Sheikh Armad Salem; a.k.a. SWEDAN, sheikh; a.k.a. SWEDAN, Sheikh Ahmad Salem) 9 April, 1960

YASIN, Abdul Rahman (a.k.a. TAHA, Abdul Rahman S.;a.k.a. TAHER, Abdul Rahman S.; a.k.a. YASIN, Abdul Rahman Said; a.k.a. YASIN, Aboud), 21 June, 1992

Yuldashev, Tohir (a.k.a. YULDASHEV, Takhir)

ZIA, Mohammad (a.k.a. ZIA, Almad), 21 June, 1992

Dr. Amin, Ah-Haq (Dr. Amin ul-Haq)

BIN MARWAN, Bilal

DARKAZANLI, Mamoun

Haji, Abdul Manan Agha

Jaish-I-Mohammed (JIM)

Mohamad, Zia

Mufti, Rashid Ahmad Ladehyanoy

Muhammad, al-Hamati (aka, Mohammad Hamdi Sadiq al-Ahdal)

Omar, Mahmoud Uthman ((aka, Abu Qatada al-Filistini)

Riad, Hijazi (aka, Abu-Ahmad al-hawen, Rashid-al-Maghribi, Abu-Ahmad al-Amriki, and Abu-Ahmad al-Shahid)

Tohir, Yuldashev

Yasin, al-Qadi (aka, Shaykh Yassin Abdullah Kadi)

ENTITIES

Al Shifa Honey Press for Industry and Commerce

Al-Hamati Sweets Bakeries

Al-Nur Honey Press Shops (aka, Al-Nur Honey Center)

Jam'yah Ta'awun al-Islamia (society of Islamic Cooperation)

Rabita Trust

Dated this 16th day of October, 2001

John W. Ashcroft
Attorney-General

THE INTERNATIONAL OBLIGATIONS (ECONOMIC AND ANCILLARY MEASURES) ACT, 1993

PUBLIC NOTICE

TAKE NOTICE that pursuant to paragraph 6(1) of the International Obligations (Economic and Ancillary Measures) (Afghanistan) Order, 2001 the undermentioned entities have been designated by the Attorney General after consultation with the Governor of the Central Bank and the Director of the Financial Intelligence Unit.

ENTITIES

Aaran Money Wire Service Inc., 1806 Riverside Avenue, Second Floor, Minneapolis, Minnesota

Al Baraka Exchange L.L.C., P.O. Box 3313 Deira Dubai, UAE; P. O. Box 20066, Dubai, UAE

Al-Barakaat, Mogadishu, Somalia; Dubai, UAE

Al-Barakaat Bank, Mogadishu, Somalia

Al-Barakat Bank of Somalia (BSS) (A.K.A. Barakat Bank of Somalia), Mogadishu, Somalia; Bossaso, Somalia

Al-Barakat Finance Group, Dubai, UAE; Mogadishu, Somalia

Al-Barakat Financial Holding Co., Dubai, UAE; Mogadishu, Somalia

Al-Barakat Global Telecommunications (A.K.A. Barakaat Globetelcompany), P.O. Box 3313, Dubai, UAE; Mogadishu, Somalia; Hargeysa, Somalia

Al-Barakat Group of Companies Somalia Limited (A.K.A. Al-Barakat Financial Company). P.O. Box 3313, Dubai, UAE; Mogadishu, Somalia

Al-Barakat International (A.K.A. Baraco Co.), Box 2923, Dubai, UAE

Al-Barakat Investments, P.O. Box 3313, Deira, Dubai, UAE

Al-Barakaat Wiring Serivce, 2940 Pillsbury Avenue, Suite 4, Minneapolis, Minnesota 55408

Al Taqwa Trade, Property and Industry Company Limited, (F.K.A. Al Taqwa Trade, Property and Industry) (F.K.A Al Taqwa Trade, Property and Industry Establishment) (F.K.A. Himmat Establishment), C/O Asat Trust Reg., Altenbach 8,9490 Vaduz FL, Liechtenstein Asat Trust Reg., Altenbach 8,9490 Vaduz Fl, Liechtenstein

Bank Al Taqwa Limited (A.K.A. Al Taqwa Bank) (A.K.A. Bank Al Taqwa), P.O. Box N-4877, Nassau, Bahamas: C/O Arthur D. Hanna & Company, 10 Deveaux Street, Nassau, Bahamas

Barakaat Construction Company, P.O. Box 3313, Dubai, UAE;

Barakaat Group of Companies, P.O. Box 3313, Dubai, UAE; Mogadishu, Somalia

Barakaat International, Hallybacken 15, 70 Spanga, Sweden

Barakaat International Foundation, Box 4036, Spanga, Stockholm, Sweden; Rinkebytorget 1, 04 Spanga, Sweden
Barakaat North America, Inc., 925 Washington Street, Dorchester, Massachusetts; 2019 Bank Street, Ottawa, Ontario, Canada

Barakaat Red Sea Telecommunications, Bossaso, Somalia; Nakhill, Somalia; Huruuse, Somalia, Roxmo, Somalia; Ticis, Somalia; Kowthar, Somalia, Noobir, Somalia;Bubaarag, Somalia; Gufure, Somalia; Xuuxuule, Somalia; Ala Aamin, Somalia, Guureeye, Somalia; Najax, Somalia, Carafaat, Somalia

Barakaat Telecommunications Co. Somalia, Ltd., P.O. Box 3313 Dubai, UAE

Barakat Banks and Remittances, Mogadishu, Somalia; Dubai, UAE

Barakaat Boston, 266 Neponset Avenue, Apt. 43, Dorchester, Massachusetts 02122-3224

Barakaat Computer Consulting (BCC), Mogadishu, Somalia

Barakat Consulting Group (BCG) Mogadishu, Somalia

Barakat Global Telephone Company, Mogadishu, Somalia; Dubai, UAE

Barakat Global Telephone Company, Mogadishu, Somalia; Dubai, UAE

Barakat Enterprise, 1762 Huy Road, Columbus, Ohio

Barakat International Companies (BICO), Mogadishu, Somalia; Dubai, UAE

Barakat International, Inc., 1929 South 5th Street, Suite 205, Minneapolis, Minnesota

Barakat Post Express (BPE), Mogadishu, Somalia

Barakat Refreshment Company, Mogadishu, Somalia; Dubai, UAE

Barakat Telecommunications Company Limited (A.K.A. Btelco), Bakara Market, Dar Salaam Buildings, Mogadishu, Somalia; Kievitlaan 16, T'Veld, Noord-Holland, The Netherlands

Barakaat Wire Transfer Company, 4419 South Brandon Street, Seattle, Washington

Barako Trading Company, LLC, P.O. Box 3313, Dubai, UAE

Baraka Trading Company, P.O. Box 3313, Dubai, UAE

Global Services International, 1929 5th Street, Suite 204, Minneapolis, Minnesota

Heyatul Ulya, Mogadishu, Somalia

Nada Management Oarganization SA (F.K.A. Al Taqwa Management Organization SA), Viale Stefano Franscini 22, Ch-6900 Lugano Ti, Switzerland

Parka Trading Company Limited, P.O. Box 3313 Deira, Dubai,UAE

Red Sea Barakat Company Limited, Mogadishu, Somalia; Dubai, UAE

Somali Internet Company, Mogadishu, Somalia

Somali International Relief Organization, 1806 Riverside Avenue, 2nd Floor, Minneapolis, Minnesota

Somali Network AB, Hallbybybacken 15, 70 Spanga, Sweden

Dated this 12th **day of** November **, 2001**

Paul W. Bethel

Attorney -General

THE INTERNATIONAL OBLIGATIONS (ECONOMIC AND ANCILLARY MEASURES) ACT, 1993

PUBLIC NOTICE

TAKE NOTICE that pursuant to paragraph 6(1) of the International Obligations (Economic and Ancillary Measures) (Afghanistan) Order, 2001 the undermentioned individuals and entities have been designated by the Attorney General after consultation with the Governor of the Central Bank and the Director of the Financial Intelligence Unit.

NAME (S)	DATE OF BIRTH WHERE AVAILABLE
Aalhussain, Hani	22October 1974
Abdulggfar, Hamza	14 July, 1980
Abdulla, Fahad	1 November, 1974
Abdullah, Rayed	24 September, 1977
Abukar, Mohammed	18 May, 1959
Abulgdar, Yagmour	Late 1940s early 1950
Abushanfeh, Ali	
Abusharifah, Ali	8 December, 1961
Afzal, Faisal S.	
Agrawal, Rohit R.	20 November, 1981
Ahmed Fayez	
Ahmed, Mustafa	
Aiman Muhammad Rabi Al-Zawahiri	19 June 1951
Al-Ahmari, Mohammed H.	11 January, 1959
Al-Attas, Hashim Mohsen	
Al-Din, Mohamed Khayr	

Al-Dirbi, Khalid A.	11 August, 1970
Al-Faran, Kamal	
Al-Fehaid, Ali	21 September, 1975
Al-Forahy, Ibrahim	18 November, 1963
Al-Garashi, Abdul	
Al-Ghamdi, Addulrahman	
Al-Ghamdi, Ahmed	16 April, 1970
	22 February, 1970
Al-Ghamdi, Ali A.	
Al-Ghamdi, Hamza	18 November, 1980
Alghamdi, Nora Ali	
Al-Ghamdi, Sadda	
Al-Ghamdi, Saeed	5 November, 1960
Al-Gurashi, Abdul Rahman	
Al-Hajri, Fahad A.	
Al-Hajri Meshal	17 September, 1965
Al-Hallak, Moataz	5 January, 1961
Al-Hallak Motaz	5 January, 1961
Al-Hazmi, Afan	
AlHazmi, Albadar	5 October, 1966
Al-Hazmi Ebtehal	
Al-Hazmi Nawafa	9 August, 1976
Al-Hazmi Salem	2 February, 1981
Al-Haznawi, Ahmed	11 May, 1980
Al-Jadawi	
Al-Jabir, Mohammed	
Al-Jahdali, Fahd	
Al-Khoater, Rayani	
Al-Khowyef, Khalid	

Al-Marabh, Nabil	
Almetwiri, Mohammed	
Al-Mihdham Khali	
Al-Mosrati, SA Saltan	
Al-Nadar, Khalid	
Al-Nami, Ahmed	7 December, 1977
Al-Omari, Aabdul Aziz	24 December, 1972
Al-Omari, Abdul Aziz	28 May, 1979
Al-Omor, Ahdulrahman	
Al-Otaibi, Majid	22 February, 1974
Alquraishi, Maan A	3 March, 1971
Al-Ravani Hadi Mohammed	7 September, 1960
Al-Refai, Mohammed	28 November, 1970
Al-Sagri, Fares Saleh	
Al-Sagri, Mohannd Saleh	
Al-Salmi, Faisal M.S.	1 July, 1965
Al-Shahri, Khalid	3 January, 1977
Al-Shehri Abdullah	23 January, 1964
Al-Shehri, Aisha	18 November, 1963
Al-Shehri, Momdouh	1 October, 1980
Al-Shehri, Marwan	9 May, 1978 or 9 May, 1976
Al-Shehri, Mohald	
Al-Shehri Suliman	31 July, 1973
Al-Shehri, Waleed M.	20 December, 1978
Al-Shehri, Wail	31 July, 1973
Al-Suqami, Satam	28 June, 1976
Al-Syaadi, Basil Ali	7 April, 1978
Al-Yahya, Esam	

Al-Yusuf, Entsar	
Alamri, Fahad	30 June, 1976
Alari, Ali	
Alassaf, Mohammed	8 February, 1972
Alazmi, Salem	1 January, 1981
Albutairi, Abdul	15 January, 1976
Aldribi, Khalid	3 February, 1968
Ali, Mukraham	
Alizaddadi, Abdul Aziz	15 February, 1966
Aljunaibi, Ahmed	1 June, 1967
Alkahtani, Waleed	10 March, 1975
Alkhaldi, Abdul	22 May, 1975
AlMudahi, Abdullah	20 April, 1976
Alnuaimi Suhail	4 November, 1969
Alojabi Khaled	
Allomori Ahdulrahman	4 March, 1963
Alqahtani Fahad	1 August, 1976
Alghtany, Moham	22 February, 1976
Alshomrani, Abdul	9 June, 1972
Amin Al-Haq	1960
Arakqui, Farid	28 August, 1962
Arakji, Mohamad	8 May, 1973
Arara, Mohammad	19 May, 1978
Ashfaq, Mohammed	
Ateef, Hashmi	
Atlaf, Hussein	
Atta, Asem	15 January, 1977
Atta, Bouchra	
Atta, Mohammed G.	1 September, 1968

Atta, Mohammad	
Atta, Nurst	7 January, 1970
Atta, Samch	2 September, 1973
Ayub, Ali Khan	20 February, 1950
Awad, Nasser	
Azmath, Jaweed	7 April, 1954
Akhtar, Mohammad Mansour	
Alhaj M. Ibrahim Omari	
Alhaj Mullah Mohammad Essa Akhund	
Abdulhai Motmaen	
Abdul Salam Zaeef	
Abdul Hakim Mujahid	
Ahmad Sa'id Al-Kadr	1 March, 1948
Alhaj, Mullah Sadruddin	
Alhaj, Maulavi Mohammad Saddiaq	
Abdulah	
Mr Azizirahman	
Akhtar, Mohammad Mansour	
Alhaj, Maulavi Mohammad Saddia	
Dr. Abdul, Satar Paktis	
Bahamdan, Ammar	6 January, 1977
Bakarbashat, Omar Salem Saleh	1973
Bakhsh, Khalid	
Bashjar, Mohammad	
Bedoui, Maryem	7 February, 1980
Belhadj, Ali Moham	5 July, 1981
Bhanji, Akbar	
Bhanji, Amer	
Bibek, Bose	19 July, 1943

Biermann Thorsten	27 October, 1977
Binaishibh, Ramzi Mohammed	1 May, 1972
Bilal Bin Marwan	1947
Binilibdah, Abdulaziz	18 June, 1977
Bokhari, Ameer	
Bokhari, Fursal	1 February, 1957
Bugulu, Jagadish	
Deuitch, Mark	22 January, 1957
Elanir, Mohammad	
Ellner, Oded	
Esiktas, Selim	
Eng., Mohammad Hamayoon	
Fakeh, Mahir	
Flores, Luis Martinez	20 June, 1973
Ghandoura, Maha Osman A.	9 December, 1968
Gholam, Abdul Lateif	
Goveas, Ryan J.	
General, Rahmatullah Safi	
General, Abdul Qadeer	
Hajji, Zied	
Hajour, Hani	30 August, 1972
	3 January, 1972
Hassan, Hani Saleh	30 August, 1972
Helou, Sulaiman	17 January, 1953
Hijazi, Raed	
Hussein, Ali Hassan Al-Attes	23 January, 1978
Hussein Sayeed	
Husseini Samir	
Hadji, Tahis	

Habibullah Fauzi	
Haji, Adbul Ghafar Shenwary	
Hidayatullah, Abu Turab	
Hadji, Molla Atiquallah	
Iskandar, Waleed	
Jarrahi, Ziad	
Jeddawi, Farouk	
Kamiar, Amer	
Khafeta, Almad	
Khaled, Alham	
Khorrami, Ahmed Farid	
Kifmy, Othman	
Kurzberg, Paul	
Kurzberg, Sivan	
Laghed, Hishan Wahab	
Lekrab, Marwan	
Limaiem, Maha	
Maar, Ali	10 November, 1971
Madani, Abdul Wahab	
Maghrabi, Ashraf	8 November, 1968
Marmari, Omer	
Menepta, Mujahid Abdulqadir	15 April, 1950
Mitchell, Sevda	21 December, 1977
Modasser, Mahmood	4 July, 1981
Mogadam, Rami Gamil	7 June, 1977
Moqed, Majed	18 June, 1977
Moussa, Khaled Ben	
Moussaqui, Zacarias	30 May, 1968
Mukharan, Ali	

Mustafa, Ahanad

Mullah, Mohammad Rabbani

Mullah, Hadji Mohammad Hassan

Maulavi, Abdul Kabir

Mullah, Mohammed Omar

Mullah, Mohammad Tahre Anwari

Maulavi, Sayyed Haqqan

Maulavi, Abdul Latif Mansur

Mullah, Shams-ur-Rahman

Maulavi, Attiqullah Akhund

Maulavi ,Abdul Ghafoor

Hadji, Tahis

Mullah, Mohammad Naim

Hidayatullah, Abu Turab

Mullah, Yar Mohammad Rahimi

Mullah, Haji Alla Dad Tayeb

Maulavi, Abdul Razaq

Maulavi, Faiz Mohammad Faizan

Maulavi, Nik Mohammad Faizan

Mullah, Matiullah

Maulavi, Dadullah Akhund

Mullah, Hadji Ubaidullah Akhund

Mullah, Fazel M. Mazloom

Mullah, Baradar

Mullah, Abdul Rauf

Mullah, Amir Khan Motaqi

Mullah, Mohammad Nasim Hanafi

Maulavi, S. Ahmed Shahidkhel

Mullah, Abdul Wasay Aghajan Motasem

Mullah, Arefullah Aref

Mullah, Haji M. Ahmadi

Mullah, Abdul Jalil

Maulavi, Faiz

Maulavi, Abdul Banqi

M. Jawaz Waziri

Maulavi, Djallalouddine Haqani

Maulavi, Abdul Hakim Monib

Maulavi, Hamidullah Normani

Maulavi, Arsalan Rahmani

Maulavi, Qudratullah Jamal

Mullah, Abdul Rahman Ahmad Hottak

Maulavi, Rahimullah Zurmati

Maulavi, Mohammad Yaqoub

Mullah, AbdulRazaq

Mullah, Abdul Samad Khaksar

Mohammad, Shariff

Maulavi, Noor Halal

Maulavi, Saed M. Azim Agha

Mullay, Nooruddin Turabi

Maulavi, Jalaluddine Shinwari

Maulavi, Sayeedur Rahman Haqani

Mullah, Abdul Salam Zaief

Maulavi, Mohammad Azam Elmi

Maulavi, Ezatullah

Maulavi, M. Musa Hottak

Mullah, Mohammad Abbas Akhund

Maulavi, Mohammadullah Mati

Maulavi, Rosstam Nuristani

Maulavi, Najibullah Haqqani

Maulavi, Sayyed Ghiassouddine Agha

Maulavi, Moslim Haqqani

Maulavi, Qalamudin Momand

Maulavi, Abdul Raqib Takhari

Mohammad, Sediq Akhundzada

Maulavi, Mohammad Wali

Maulavi, Mohammad Salim Haqqani

Maulavi, Sayed Esmatullah Asem

Maulavi, Abdul-Haq-Wasseq

Maulavi, Ehsanullah

Mullah, Habibullah Reshad

Mullah, Ahmed Jan Akhund

Maulvi, Saiduddine Sayyed

Maulavi, Abdul Jabbar

Maulavi, Nurullah Nuri

Muhammad, Islam

Mullah, Janan

Mullah, Dost Mohammad

Maulavi, Khair Mohammad Khairkhwah

Maulavi, Abdul Bari

Maulavi, Walijan

Mullah, M. Hasan Rahmani

Mullah, Manan Nyazi

Maulavi, A. Wahed Shafiq

Maulavi, Shafiqullah Mohammadi

Maulavi, Nazar Mohammad

M. Eshaq

Maulavi, Zia-ur-Rahman Madani

Maulavi, Hamsudin

Maulavi, A. Kabir

Mullah, M. Rasul

Maulavi, Tawana

Mullah, M. Shafiq

Maulavi, Aminullah Amin

Maulavi, Abdulhai Salek

Maulavi, Ahmad Jan

Maulavi, Sanani

Maulavi, Samiullah Muazen

Maulavi, Shabuddin Delawar

Mullah, Mustasaed

Maulavi, Esmatullah Asem

Maulavi, Qalamuddin

Mullah, Hamidullah

Mullah, Abdul Salam Zaeef

Muhammad 'Atif

Mohammad, Sohail Shaheen

Mohammad, Sarwar Siddiqmal

Mullah, Mohammad Zahid

Maulavi, Nazirullah Anaji

Maulavi, Abdul Ghafar Qurishi

Mohammad, Daud

Maulavi, Najibullah

Maulavi, Akhtar Mohammad

Maulavi, Rahamatullah Kakazada

Mufti, Mohammad Aleem Noorani

Maulavi, Gul Ahmad Hakini

Maulavi, Abdullah Murad

Maulavi, Abdul Haiy Aazem	
Maulavi, Hamdulah	
Nakshbandi, Abdul Labur	31 December, 1959
Natto, Dawood	
Nizam, Maqsud	
Nor, Mohammad Saqib	
Omar Jr, Hady Hassan	1 January, 1979
Omar, Hady	
Qari, Din Mohammad	
Qari, Din Mohammad Hanif	
Qari Abdul Wali	
Qari, Ahmadulla	
Raissi, Lotfi	4 April, 1974
Rambo, Ayman	14 October, 1969
Ramos-Serra, Anna Elba	31 October, 1963
Rizvi, Zeeshan S.	
Ramatullah, Wahidyar	
Saadawi, Nabil	18 October, 1960
Sa'd Al-Sharif	1969
Saif Al-'Adil	1963
Saleh, Ismaeel Alwi	
Salie, Rahma	1 February, 1973
Saqar ,Al-Jadawi	1965
Serradeji, Salmie	17 February, 1965
Shabouni, Anand	25 April, 1973
Shabouni, Mohammad A.	
Shams-us-Safa, Aminzai	
Shah, Anand	25 April, 1973
Shah, Subhash	

Sharaf, Faisal	15 March, 1977
Sharifafi, Ali Abu	
Shmuel, Yaron	
Shubaili, Abdulluh	2 April, 1958
Shubaili, Ageel	5 August, 1975
Sonbol, Waheeb Adel	13 April, 1976
Souheil, Seddik	3 December, 1975
Suqami, Satam	28 June, 1976
Syed, Pir Rahim Shah	6 June, 1934
Shams-us-Safa Aminzai	
Sher, Abbas Stanckzai	
Shamsalah, Kmalzada	
Syed, Allamuddin	
Talfit, Rabie	21 November, 1976
Tarek, Fayad	
Tshabay	
Waheeb, Hatim	28 May, 1977
Yakoub, Ilyas	
Yassin, Manar	
Yousaf, Salah Saeed	1 January, 1974
Zakhour, Widian	
Zamka, Jalal	18 March, 1978
Zabihullah Hamidi	
Zain Al-Abidin Muhahhad Husain	12 March, 1971

ENTITIES

Ariana Afghan Airlines (formerly known as Bakhtar Afghan Airlines), Afghan Authority Building, P.O. Box 76, Ansari Watt, Kabul, Afghanistan, and any other offices of Ariana Afghan Airlines;

Banke Millie Afghan (a.k.a Afghan National Bank; a.k.a. Bank E. Millie Afghan), Jada Ibn Sina, Kabul, Afghanistan, and any other offices of Banke Millie Afghan;

Da Afghanistan Bank (a.k.a. Bank of Afghanistan; a.k a. Central Bank of Afghanistan; a.k.a. The Afghan State Bank), Ibni Sina Wat, Kabul, Afghanistan, and any other offices of Da Afghanistan Bank;

Account of Ariana Afghan Airlines in Citibank, New Delhi, India

Account of Ariana Afghan Airlines in Punjab National Bank, New Delhi, India

De Afghanistan Momtaz Bank

Agricultural Development Bank of Afghanistan (ADB), United Kingdom

Dated this 27th **day of** September **, 2001.**

ATTORNEY-GENERAL

Enclosure II

Terrorist Financing

Caribbean Basin Region

Draft Plan of Action

1. Sign and ratify the United Nations Convention for the Suppression of the Financing of Terrorism.

2. Report to the Counter-Terrorism Committee of the Security Council in keeping with the agreed timetable all steps taken to implement the Convention of 9 December 1999.

3. Implement United Nations Security Council resolutions 1333 (2000) and 1373 (2001).

4. Report to the Counter-Terrorism Committee of the Security Council steps taken to implement Security Council resolution 1373 (2001) by 27 December 2001.

5. Report to the Counter-Terrorism Committee of the Security Council steps taken to implement Security Council resolution 1333 (2000).

6. Take note of the individuals and organizations listed in the United States Executive Orders relating to terrorist financing and liase with the United States in relation to action taken in blocking those accounts maintained by or on behalf of such individuals and organizations in the financial systems of the region.

7. Take note of and monitor all international lists of individuals, organizations and countries that engage in or are concerned with terrorist financing activity.

8. Establish immediately the legislative and regulatory framework to facilitate the blocking of accounts of individuals and organizations named on international lists as being concerned with terrorist groups, acts and terrorist financing networks.

9. Notify the Secretariat and the international community of steps taken in relation to blocking accounts as described above.

10. Notify the Secretariat and publish regularly, in aggregate form, the number of terrorist financing related accounts and the value of assets which have been frozen.

11. Participate in the Self-Assessment exercise against the Financial Action Task Force (FATF) Special Recommendations, which should be completed by 31 December 2001. (The relevant questionnaire is being developed by the FATF and will be circulated shortly.)

12. Devise and publish an action plan to come into compliance with the FATF Special Recommendations by June 2002.

13. Enact and effectively implement by June 2002 all necessary legislation which would comply with the FATF Special Recommendations on Terrorist Financing.

14. Participate in a regional monitoring, reporting and enforcement mechanism in relation to the FATF Special Recommendations on Terrorist Financing and agree to share all available information with the international community.

15. Work with the FATF, FATF-style regional organizations and other relevant regional and international organizations in order to determine the most appropriate framework for stemming the flow of clean funds or funds not yet determined as tainted to the financial networks of terrorist organizations.

16. Develop additional guidance for financial institutions on the techniques and mechanisms used in the financing of terrorism by February 2002.

17. Participate in regional typology exercises on terrorist financing.

18. Enact legislation and establish procedures specifically aimed at curtailing parallel or underground banking systems in the region.

19. Call upon the Caribbean Anti-Money-Laundering Programme to widen its mandate to facilitate the provision of technical assistance and training in relation to terrorist financing.

20. Establish a Joint Regional Working Group involving the private sector on terrorist financing.

United Nations S/2001/1237

Security Council

Distr.: General
21 December 2001
English
Original: French

Letter dated 20 December 2001 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism, addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from Egypt, submitted pursuant to paragraph 6 of resolution 1373 (2001).

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman of the Counter-Terrorism Committee

01-71485 (E) 090102 090102

Annex

Letter dated 20 December 2001 from the Permanent Representative of Egypt to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

[Original: English]

I have the honour to enclose herewith the report presented by the Government of Egypt pursuant to paragraph 6 of Security Council resolution 1373 (2001), on the measures taken by Egypt to combat terrorism.

(*Signed*) Ahmed **Aboul Gheit**
Ambassador
Permanent Representative

Enclosure

Ministry of Foreign Affairs

[...] December 2001

Report submitted by Egypt to the Security Council Committee established pursuant to resolution 1373 (2001)

General remarks

1. In compliance with the Security Council's request to all States to submit, within 90 days, to the Security Council Committee established pursuant to resolution 1373 (2001), adopted on 28 September 2001, a report on the steps taken by them to implement the resolution, the Permanent Mission of Egypt to the United Nations hereby submits Egypt's report on that subject.

2. The report presents the legislative, executive and administrative measures implemented in Egypt to combat and suppress the financing of terrorism and other steps and measures currently being taken to strengthen control over contraband and money-laundering operations and fight terrorism in general. It also reviews the steps taken to strengthen international cooperation in the fields covered by the relevant Security Council resolutions either before or after the terrorist events that occurred in the United States of America on 11 September 2001 and the adoption of Security Council resolution 1373 (2001).

3. The guidelines adopted by the Security Council's Counter-Terrorism Committee were relied on to the greatest extent possible in the preparation of the report, account being taken of the overlapping of national legislation and its application to more than one of the cases covered by Security Council resolution 1373 (2001).

I. Background on how the Egyptian legislator has dealt with the question of terrorism

4. Upon the emergence of the phenomenon of terrorism, the Egyptian legislator promptly proceeded to include terrorist acts in Egypt's criminal law as serious crimes. Egypt was thus among the first states to deal with the phenomenon of terrorism and its causes, owing to the extremely serious impact of terrorism on the country's social, economic and political interests.

5. Law No. 97 was promulgated in 1992, and a number of provisions dealing with the phenomenon were added to the articles of the criminal code and some procedural and penal laws were enacted to ensure security and social stability, to safeguard citizens' freedoms guaranteed by the Constitution and to protect the environment and communications against terrorist acts.

6. Egyptian law does not concern itself solely with the criminalization of terrorist acts committed in Egypt or directed against Egyptian nationals, but also extends the scope of criminality to terrorist acts committed anywhere in the world, irrespective of the nationality of the injured party or parties.

7. The legislator initially took pains to define terrorism in such a way that the range and scope of the definition would ensure that the objectives sought in dealing

with the phenomenon of terrorism and its forms, means, etc., were attained. The definition was as follows:

> For the purposes of this law, "terrorism" means any use of force or violence or any threat or intimidation to which the perpetrator resorts in order to carry out an individual or collective criminal plan aimed at disturbing the peace or jeopardizing the safety and security of society and which is of such nature as to harm or create fear in persons or imperil their lives, freedoms or security; harm the environment; damage or take possession of communications; prevent or impede the public authorities in the performance of their work; or thwart the application of the Constitution or of laws or regulations.

8. The legislator incorporated that definition into criminalizing texts in which he distinguished, knowledgeably and painstakingly, those crimes which come under terrorist activities and the judicial elements that constitute such crimes. In so doing he did not confine himself to the forms of those activities that had already manifested themselves at the time, but rather extended his legislative vision to include new forms or shapes into which terrorism might become transformed or new means it might adopt in the future in order to achieve its objectives.

II. Legislative and executive measures taken to prevent and suppress the financing of terrorist acts in accordance with operative paragraph 1, subparagraphs (a), (b) and (d), and operative paragraph 2, subparagraph (a), of Security Council resolution 1373 (2001)

9. Egyptian law treats factors contributing to and sources serving as a basis for terrorist acts and activities as criminal, as follows:

(a) Article 86 (a) of the penal code provides the penalty of execution or lifelong hard labour for the supplying of groups, gangs or other terrorist formations with weapons, ammunition, explosives, materials, instruments, funds or information that assist them in carrying out their aims;

(b) The code also establishes penalties (under articles 88 (b), 97 and 98) for anyone who invites another to join even a mere agreement aimed at the commission of crime in connection with terrorist activity, even if his invitation is not accepted, and for anyone who has knowledge of the existence of a plan to commit such crimes and fails to inform the authorities thereof.

10. Regarding prevention and suppression of the financing of terrorist acts, the following should be noted:

(a) With a view to abolishing the phenomenon of terrorism, Egyptian law criminalizes the collection of contributions, irrespective of the name by which they are designated, without the obtainment of a permit for that purpose from the governmental authority concerned. This permits State supervision of contributions and donations to ensure that they are spent for legitimate purposes and not used in ways that go against the safety and security of society, and the consequent control and limitation of the resources of terrorist groups and organizations;

(b) With regard to the provisions of Security Council resolution 1373 (2001) concerning the prohibition against making any funds, financial assets, economic resources or financial services available to persons who commit or assist in the commission of terrorist acts, the procedure applied in banks is as follows:

The opening of accounts by a foreign person or entity to receive contributions for any purpose whatsoever requires the prior approval of the national security authority, so as to ensure that the identity of the person or entity receiving the contributions is properly ascertained and that the purposes for which the contributed funds are being used are genuine;

The opening of accounts for contributions within the Arab Republic of Egypt is subject to controls established by the Ministry of Insurance and Social Affairs;

(c) Some laws permit the supervisory authorities to obtain, in certain cases, the necessary information to enable them to stop the financing of any illegal operations, which may include terrorist operations. Those laws comprise the following:

The bank secrecy law, which allows the attorney general or any chief public prosecutor empowered thereby to apply to the Court of Appeal of Cairo for an order to examine or obtain any data or information if so required to ascertain the facts in a felony or misdemeanour the existence of which is indicated by substantial evidence;

The banking and credit act, which established strict rules governing bank registration and the supervisory controls with which they are required to comply in the conduct of their business. Capital market law No. 95 of 1992 also established strict rules governing the conduct of business by other financial institutions. The establishment of financial entities that might be used as a means of providing financing or the necessary support for terrorist acts is thus prevented;

Socialist public prosecutor law No. 34 of 1971, as amended by law No. 95 of 1980, which permits the imposition of custodianship over an individual's property if there exists substantial evidence that his assets have grown as a result of unlawful operations;

The illicit gains law, which involves looking into the sources of wealth that is disproportionate to the income of persons employed in the Government, the public sector or public agencies;

The penal code, which provides penalties for the concealment of objects that have been stolen or have been obtained by felony or misdemeanour.

11. *Draft law on money-laundering*

In keeping with the measures adopted by the Government of Egypt against the crime of money-laundering, a review of the legislation relating to the fight against money-laundering operations is now being conducted within the Egyptian legal system and proposals are being made concerning the legislative measures that might be required for the overall control of such operations. The committee created by decision of the Minister of Justice has adopted the following main points for the draft law being prepared:

(a) The draft law should be aimed at fighting the laundering of illicit money and endorsing a declaration for the strengthening of international cooperation in that field, in accordance with the approach followed in the case of all the legislation referred to above, i.e., the devoting of independent legislation to this phenomenon.

This is in line with the instructions of the Financial Action Task Force on Money-Laundering (FATF), which has undertaken to assess the degree of international cooperation in this area;

(b) Activities involving the laundering of illicit money must be considered as constituting a crime independent of the crimes from which, or from the proceeds from which, such money has been derived. It is essential to establish deterrent penalties that are commensurate with the gravity of the offence and show seriousness and effectiveness in combating the phenomenon;

(c) The meaning of "money" under the law should be defined in a broad way so as to include all assets, whether corporeal or incorporeal, movable or fixed, including securities of all natures;

(d) The financial institutions to which the provisions of the law apply must be defined so as to include banks, companies which engage in brokerage and insurance activities in that area, companies dealing in securities, money-changing companies, investment companies and funds, postal funds, enterprises which provide recreational and travel services, amusement centres and gambling casinos and other similar financial institutions to which the provisions of the law should apply;

(e) The crimes to which the provisions of the law against the laundering of money derived from them are to apply should be defined broadly, according to the gravity of the crime in question, to include all types of crimes that are a matter of international concern in connection with the fight against money-laundering and require a common international struggle in that regard, the most important of which are crimes relating to terrorism, drugs, bribery, embezzlement, smuggling through customs, kidnapping, trafficking in and smuggling of arms and munitions or art works and antiquities and other organized crime;

(f) Money-laundering activities should be defined to include all conduct which involves acquiring, disposing of, managing, keeping, replacing, depositing, investing, transporting or transferring money (in the broad sense) with a view to concealing or misrepresenting its source, changing the facts relating to it, preventing ascertainment of the fact that it was derived from any of the crimes referred to or impeding access to the person or persons who committed the crime from which the money was derived;

(g) A central agency responsible for fighting money-laundering should be created. The agency should enjoy elements of autonomy and should have experts qualified to assume the responsibilities and meet the requirements of that fight. It should have a mandate to enable it to obtain data, conduct inquiries, exchange information with other States and coordinate with control authorities, namely: the Central Bank of Egypt, for banks and money-changing companies; the insurance control board, with regard to insurance companies and funds; and the money market authority, for the various types of securities companies and investment funds;

(h) The rules governing the attachment of illicit assets should be codified. Such rules also cover the confiscation of such assets and the disposal of the confiscated funds even if they were derived from a crime covered by the law which occurred outside Egypt, owing to international cooperation requirements;

(i) The rules governing the reporting and recording of monetary operations and the reporting of suspicious operations, the obligations incumbent on financial institutions in that regard and the related duties of the control authorities should be codified;

(j) In the future, a special chapter should be devoted to the rules governing international cooperation relating to requests received from competent foreign authorities for the ascertainment of the nature of specific assets or monies and for tracing proceeds from crimes which come under the law; the authorization of the competent judicial authority in Egypt to order the tracing, freezing or provisional seizure of monies or proceeds of money-laundering crimes; and permission to recognize any judicial order or judgement calling for the confiscation of such monies or proceeds and originating in a competent judicial authority or court in another State towards which Egypt has obligations under a ratified convention.

12. *Preventing the supplying of terrorists with weapons and halting the enlistment of members of terrorist groups*

Numerous measures have been adopted and implemented, as follows:

(a) Fundamental and absolute prohibition, by Egyptian legislation, of the acquisition and possession of weapons and ammunition except by permit from the competent Government authority. The penalty for the crime of acquiring or possessing firearms and ammunition is aggravated if they are used, or intended for use, in an activity which constitutes a disturbance of the peace and public safety in the country;

(b) Intensification of monitoring and control operations in border areas and entry/exit points in coordination with the various State organs concerned, with a view to preventing the smuggling of weapons and their entry into the country;

(c) Establishment of sensitive mechanisms to strengthen the control of arms trafficking or transport operations within the framework of the law in such a way as to guarantee that terrorist elements do not gain access to such arms;

(d) Expansion of the sphere of security interaction in dealing with centres and meeting places of persons who engage in unlicensed arms trade;

(e) Detection of movements of criminal elements that deal in unlicensed arms and ammunition, with emphasis on the raiding of any place where arms, ammunitions or explosives are manufactured illegally;

(f) The periodic taking of meticulous measures to destroy weapons and ammunition seized from criminal or terrorist elements, so as to prevent them from being circulated again;

(g) Tightening of the control and supervision of the circulation of explosive materials lawfully employed (in quarries, mines, etc.) by means of well thought-out mechanisms and measures for monitoring the movements of such materials and ascertaining the purpose and place of their use;

(h) In addition, article 86 (b) of the penal code provides the penalty of lifelong hard labour for attempting to coerce a person to join any terrorist group or band or preventing any person from leaving such a group.

III. Legislative and executive measures to give effect to operative paragraph 1 (c) of Security Council resolution 1373 (2001)

13. Among the steps decided for the control and monitoring of the financial resources of terrorist elements, bank secrecy law No. 205 of 1990, as amended by law 97 of 1992, which allows the attorney general or any public prosecutor empowered thereby to order directly the examination or obtainment of data or information related to accounts, deposits, trusts, safes or safety deposits where so required to ascertain the facts in any crime provided for in book two, chapter II, part 1, of the penal code, i.e., the part in which reference is made to terrorist crimes.

14. Article 98 (e) of the penal code provides that assets which have been proven to be earmarked for expenditure on terrorist groups or organizations must be confiscated.

15. *Economic measures adopted by the Central Bank*

On 23 October 2001 the Central Bank of Egypt sent a memorandum including the economic steps taken by it in response to Security Council resolution 1373 (2001) of 28 September 2001, which states the following:

(a) The Central Bank of Egypt, immediately upon receiving lists containing the names of persons and organizations connected with terrorist acts, issues immediate instructions requesting all the banks under its supervision (as well as Arab International Bank) to freeze all private accounts and funds connected with the persons and organizations whose names have been received by the Central Bank and to report to it what action they have taken;

(b) It is clear in this regard that the funds belonging to such persons and organizations which are on hand in banks do not necessarily include all such assets owned by them. Consequently, further steps must be taken to comply fully with the provisions of the Security Council resolution;

(c) In June 2001 the Central Bank of Egypt issued control standards for the registered banks under its supervision concerning the regulation of procedures for opening client accounts and other banking procedures. Included were the standards with which such banks are required to comply when opening accounts for any person, whether natural or artificial, and which are based primarily on the "know your client" principle, which means obtaining the necessary documents for ascertaining the identity of the client and maintaining adequate records on clients and the operations carried out by them for a period of not less than five years. The standards also involve paying particular attention to cash deposit operations, business transacted on clients' accounts, transfers, transactions carried out across borders and other banking operations, so as to ascertain whether such operations are in keeping with the nature of the client's activity and to detect any unusual operations. These standards are in keeping with the recommendations issued by FATF relating to the fight against money-laundering;

(d) The Egyptian banking federation has also created a committee to study the problem, prepare the necessary studies and examine those received by the committee from foreign and local quarters as well as those submitted by the members of the committee themselves. Following its study, the committee issued a set of recommendations to be submitted to the Central Bank of Egypt preliminary to

their adoption, to be followed once they have been adopted by the Bank. They are as follows:

Non-maintenance of any accounts of persons or entities whose identity is unknown or accounts opened under fictitious names;

Adoption of appropriate measures for obtaining verifiable information on clients for whom accounts are opened at the bank or for whom operations are transacted;

Maintenance, for a sufficient period under the law, of records on customers and on transactions carried out locally or internationally, so that such records will be ready and available whenever requested by the competent authorities;

Monitoring of the profiles of questionable operations to enable the banking administration to take a decision regarding them;

Training and capacity-building for employees of the various banks in recognizing suspicious transactions; procedures and policies for dealing with such transactions; and legal procedures relating to money-laundering operations;

Preparation by the Egyptian banking federation, through the committee created within it to study money-laundering, of a training programme for bank employees;

Application of measures to combat money-laundering to various banking products, such as plastic money and onlending operations, through investigation and the obtaining of the requisite data on any client requesting a loan secured by his deposits in a foreign country.

IV. Executive and administrative measures pursuant to operative paragraph 2 (b) of Security Council resolution 1373 (2001)

16. *Early warning to other States through the exchange of information*

(a) Numerous bilateral and multilateral conventions have been concluded on cooperation in the area of security to enhance the exchange of information and expertise on terrorist organizations, their leaderships, officers, arms and ammunition, means of financing and communication channels as well as their links to organized crime;

(b) Cooperation has been strengthened with the security authorities in various countries with a view to crushing terrorist activity and identifying the places where terrorist elements are located and trained, their channels of communication and their sources of financing. In addition, many terrorist leaders and cadres have been apprehended, repatriated and brought to justice;

(c) The working mechanisms of international organizations (International Criminal Police Organization (INTERPOL), Council of Arab Ministers of the Interior of the League of Arab States, Organization of African Unity, Organization of the Islamic Conference, etc.) have been utilized to make known and exchange available information on the activities and membership of terrorist organizations among member States.

V. Legislative, executive and administrative measures to give effect to operative paragraph 2 (c) of resolution 1373 (2001)

17. In this connection — and to ensure that terrorists do not have access to any support or assistance and do not find any safe haven — the draft prohibits all persons from concealing, shielding, giving refuge or offering any assistance in any manner whatsoever to anyone against whom there exists substantial evidence of his engaging in an activity constituting a breach of the peace and public safety. It provides a penalty of imprisonment for anyone who violates this prohibition.

18. *Denial of sanctuary to anyone connected with terrorism*

(a) Egypt was a pioneer among the countries of the world in adopting numerous stringent legal and security measures to abort the activities of terrorist organizations at home and abroad and destroy their organizational structure;

(b) Rigorous legal and administrative measures have been adopted to deal with non-Egyptian terrorist elements suspected of belonging to foreign and Egyptian terrorist organizations or elements thereof that have fled the country;

(c) As a result, terrorist organizations and their cadres that are not Egyptian have experienced difficulty in finding within Egyptian territory places in which to hide or organizational stations in which to conduct their terrorist activities or from which to carry out their plans;

(d) The positive relations existing with various security authorities in different countries have been turned to account to create a constantly updated data base on all non-Egyptian terrorist organizations, to enter the names of members of those organizations in arrival anticipation lists and to prevent entries into the country via the legal points of entry;

(e) Egypt has taken the initiative to warn all States monitoring the information on the existence of Egyptian terrorist elements in them that they should be apprehended and repatriated or turned over to the judicial authorities in the States in which they are located.

VI. Legislative and executive measures to give effect to operative paragraph 2 (d) of resolution 1373 (2001)

19. Inasmuch as Egypt is an active member of the international community and is bound by conventions and covenants in which the legislative treatment of this phenomenon was not confined to dealing with terrorist acts that might take place within its territory, but rather extended to terrorist elements carrying on their activity from abroad as well as those planning such activity within the country, even if the terrorist acts in question were not aimed at Egypt:

(a) Article 77 (f) of the penal code provides a penalty for mustering troops or carrying out hostile activity against a foreign country;

(b) Article 86 (d) of the same code provides a penalty for belonging to any terrorist association, body, organization or group, irrespective of its name or designation, which has its headquarters outside the country and uses terrorism or military training as a means of achieving its objectives, even if its acts are not directed against Egypt.

VII. Legislative and executive measures to give effect to operative paragraph 2 (e) of resolution 1373 (2001)

20. In view of the considerable visible danger of terrorism, the legal texts regarding terrorist acts provide severe penalties for the perpetrators thereof and persons cooperating with them, the maximum penalty being death and the minimum being lifelong hard labour in the case of persons convicted of the crimes provided for in the law, subject to the proviso that terrorism is one of the means employed in committing them.

VIII. Executive and administrative measures to give effect to operative paragraph 2 (g) of resolution 1373 (2001)

21. *Intensification of measures to prevent the movement of terrorist elements across borders*

Action to secure borders and points of entry and exit by land, sea and air is considered the basic line of the country's defence against all threats directed against the security and stability of Egyptian society. Within a framework of coordinated effort among the authorities concerned within the country, many decisive steps have been taken to prevent the movement of terrorist elements across Egypt's borders, in addition to the following measures:

(a) Stepping up the pursuit of fugitive terrorist elements in order to accelerate their apprehension in suspected hiding places, broadening and tightening control at all points of entry and exit by land, sea and air and providing them with modern equipment for detecting falsified documents, weapons and explosives;

(b) Coordinating with the security authorities in Egypt's neighbouring countries with a view to taking coordinated steps to prevent the infiltration or entry of terrorist elements into Egyptian territory;

(c) Enhancing the performance of persons employed within security authorities that secure exit/entry points and supporting them with specialists trained in the detection of the most recent means of falsification to which terrorist elements might resort in order to enter or leave the country;

(d) Providing border crossing points with the most up-to-date information, data and photographs available on terrorist elements and cadres and the means used by them to cross borders;

(e) Bolstering the security presence at the various border crossing points, enhancing the efficiency of guarding and security systems, broadening the database of suspected persons and dealing therewith according to the nature of each border area.

IX. Operative paragraph 2 (f) and operative paragraph 3 of resolution 1373 (2001) — Egyptian anti-terrorist efforts in the area of international and regional agreements

22. The Arab Republic of Egypt was one the first States to call upon the countries of the world to combat the phenomenon of international terrorism. It was also one of the few States to sign the Convention for the Prevention and Punishment of Terrorism, to which only 24 States have acceded. Egypt has also contributed towards an effective discussion of the phenomenon of international terrorism in the United

Nations and the regional mechanisms and organizations in which it participates. Within the framework of the League of Arab States, for example, Egypt held a Conference of Arab Ministers of the Interior and Ministers of Justice in Cairo in April 1998 and succeeded in bringing about the conclusion of the Arab Convention for the Suppression of Terrorism, which was signed by all the Arab countries on 22 April 1998 and entered into force in May 1999.

23. In this connection, it should be pointed out that the executive measures of the Arab Convention for the Suppression of Terrorism are in force and actually implemented, as indicated below:

Part one: machinery for the implementation of the Arab Convention for the Suppression of Terrorism, which comprises two sections

The first: executive measures for cooperation in the judicial and security fields (exchange of information, investigative procedures and apprehension of fugitives; exchange of research, studies and expertise; holding of joint training courses; extradition of criminals; letters rogatory; trial of indicted persons — exchange of evidence);

The second: forms for completing the procedures referred to above (52 forms).

Part two: questionnaire for monitoring and assessing the effective implementation of the Convention

The questionnaire is distributed to the Arab countries yearly after being prepared by the Arab Criminal Police Office of the General Secretariat of the Council of Arab Ministers of the Interior. It is filled in by the specialized departments of the ministries of the interior and of justice (in each country) by means of answers to the questions contained in it, which cover all 42 articles of the Convention.

24. It is worth pointing out that this Convention was the first international instrument to venture a definition of terrorism and the crime of terrorism. It defined *terrorism* as follows: "Terrorism is any act of violence or threat, irrespective of its motives or objectives, which occurs in implementation of an individual or collective criminal plan and is intended to sow terror among people or fear that they will be harmed; to jeopardize their lives, freedoms or security; to cause harm to the environment, public or private facilities or property, or to occupy or take possession of them; or to endanger any national resource.

25. Definition of the *crime of terrorism*: According to the Convention, this is any crime or attempted crime committed in accordance with a terrorist aim in any contracting State or against citizens, property or interests of such State which is punishable under the internal law thereof. Terrorist crimes are considered as including crimes against which provisions exist in subsequent treaties or agreements, except as otherwise provided in the legislation of the contracting States or where not ratified thereby.

26. Supplementary agreements to define the nature of the crime of terrorism within the meaning of the Arab Convention [and] the conventions referred to in the previous item which complete that definition are as follows:

(a) The Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed at Tokyo on 14 September 1963;

(b) The Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague on 16 December 1970;

(c) The Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Montreal, 23 September 1971) and the related protocol signed at Montreal on 10 May 1984;

(d) The Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, signed at New York on 14 December 1973;

(e) The International Convention against the Taking of Hostages, signed on 17 December 1979;

(f) The 1983 United Nations Convention on the Law of the Sea, as it relates to piracy at sea;

(g) The 1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation;

(h) The 1988 Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf;

(i) The 1991 Convention on the Marking of Plastic Explosives for the Purpose of Detection.

Pursuant to the rule, contained in the Arab Convention, concerning reference to those instruments, the provisions of those Conventions and Protocols relating to terrorist crimes are considered as part of the Arab Convention. It is worth noting that the definition adopted in the Arab Convention coincides in large measure with the definition contained in article 86 of the Egyptian penal code promulgated by the above-mentioned law No. 97 of 1992.

27. The Council of Arab Ministers of the Interior decided, at its fourteenth session, held in Tunis on 4 January 1997, to establish an Arab anti-terrorist strategy. A resolution for the creation of a mechanism to implement it was adopted at the most recent meeting of the Council of Arab Ministers of the Interior, held in Jordan on 30 January 1999.

28. Egypt has also ratified the Convention on the Prevention and Combating of Terrorism adopted by the Organization of African Unity and, within the framework of the Organization of the Islamic Conference, in February 1998 Egypt hosted the Cairo meetings of the team of governmental experts that drafted a code and rules of procedure for combating international terrorism with a view to strengthening cooperation between Islamic States and reaffirming Islam's rejection of terrorism. Egypt has ratified the Convention of the Organization of the Islamic Conference on Combating International Terrorism.

29. It should be mentioned that Egypt has signed the International Convention for the Suppression of the Financing of Terrorism, referred to in operative paragraph 3, subparagraph (d), of Security Council resolution 1373 (2001) and is currently taking the related constitutional steps. Furthermore, Egypt has signed the International

Convention for the Suppression of Terrorist Bombings and is at present taking steps for its ratification.

30. In addition to the foregoing, the Arab Republic of Egypt is in constant communication with various countries of the world with a view to enhancing anti-terrorist cooperation, especially through the conclusion of legal assistance treaties which guarantee the extradition of criminals who have been sentenced or are wanted for trial, or at least to ensuring the greatest possible transparency in the exchange of information and assistance in legal and security matters. Considerable advances have been made along these lines, most notably in the conclusion of a number of bilateral treaties with European and African States, such as Hungary, Poland, Romania, Italy and South Africa, and legal cooperation treaties with Arab countries.

31. It should also be pointed out that the Egyptian Ministry of Justice has made it a practice, with regard to the legal cooperation agreements concluded by it on crime and the extradition of criminals, to provide that crimes of terrorism are not to be considered political crimes for which extradition will be denied. Such agreements, by way of example and without limitation, include those contained in article 3 of the convention on the extradition of criminals between the Government of the Arab Republic of Egypt and the Government of the Italian Republic and in article 4 of the convention on the extradition of criminals between the Government of Egypt and the Government of the Republic of South Africa.

United Nations S/2001/1238

Security Council

Distr.: General
21 December 2001

Original: English

Letter dated 21 December 2001 from the Chargé d'affaires a.i. of the Permanent Mission of Germany to the United Nations addressed to the Secretary-General

I have the honour to transmit a letter addressed to you by the Federal Minister for Foreign Affairs of Germany, Joschka Fischer, concerning the deployment of some 1,450 troops from Germany, the Netherlands and Denmark as part of the International Security Assistance Force for Afghanistan (see annex).

I would be grateful if the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Hanns **Schumacher**
Ambassador
Chargé d'affaires a.i.

01-71153 (E) 211201

Annex to the letter dated 21 December 2001 from the Chargé d'affaires a.i. of the Permanent Mission of Germany to the United Nations addressed to the Secretary-General

Letter dated 21 December 2001 from the Deputy Chancellor and Federal Minister for Foreign Affairs of Germany to the Secretary-General

The United Nations Security Council has called upon Member States to contribute personnel, equipment and other resources to the International Security Assistance Force for Afghanistan and has invited those Member States to inform the leadership of the Force and the Secretary-General.

It is my pleasure to inform you that in response to this request, Germany, together with the Netherlands and Denmark, is willing to contribute to the International Security Assistance Force for a period of up to six months with a combined contingent of some 1,450 troops, subject to the completion of constitutional requirements in all three countries. An advance party of some 200 troops will be on 48-hour notice to move immediately after the Bundestag has authorized the German participation.

The German Federal Government, also on behalf of the Government of the Netherlands and the Government of Denmark, has informed the Government of the United Kingdom of Great Britain and Northern Ireland as the leadership of the Force of their willingness to make this contribution to assist the Afghan Interim Authority in the maintenance of security in Kabul and its surrounding areas.

(*Signed*) Joschka **Fischer**

United Nations A/ES-10/133–S/2001/1239

General Assembly
Security Council

Distr.: General
21 December 2001

Original: English

General Assembly
Tenth emergency special session
Agenda item 5
Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Security Council
Fifty-sixth year

Identical letters dated 21 December 2001 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

In spite of Palestinian attempts at the highest level to achieve a ceasefire and prevent all military attacks, Israel, the occupying Power, continues with its bloody military campaign against the Palestinian people in the Occupied Palestinian Territory, including Jerusalem, committing yet additional war crimes and State terrorism. Since my last letter to you, dated 10 December 2001 (A/ES-10/129-S/2001/1166), Israeli occupying forces have killed 29 more Palestinians. These killings include cases of extrajudiciary executions, wilful killings in cold blood and deaths as a result of Israeli bombardments by fighter jets and helicopter gunships. Israeli occupying forces have also increased their siege on many Palestinian cities and villages, including major cities such as the city of Ramallah.

In this regard, it is highly regrettable that the United Nations Security Council failed to fulfil its primary responsibilities for the maintenance of international peace and security due to the exercise of veto by one of the permanent members of the Council, during the vote on a draft resolution in the early hours of last Saturday, 15 December 2001. The General Assembly, however, under the formula "United for Peace", resumed the tenth emergency special session on 20 December 2001 and adopted by a large majority the same text of the draft resolution which was presented to the Security Council. The tenth emergency special session also adopted another draft resolution on the Fourth Geneva Convention and the Declaration adopted by the Conference of High Contracting Parties on 5 December 2001 in Geneva, calling on all Members and observers of the United Nations as well as the Organization and its agencies to observe the above-mentioned Declaration.

The tenth emergency special session, in adopting those two important draft resolutions, made the right decision and sent the appropriate message to the occupying Power, to the people under occupation and to the peoples and Governments of the region. Moreover, the resolutions adopted required a follow-up from Members and the United Nations system.

01-71111 (E) 211201

In follow-up of my previous 84 letters to you regarding this grave situation in the Occupied Palestinian Territory, including Jerusalem, dated from 29 September 2000 to 10 December 2001 (A/55/432-S/2000/921; A/55/437-S/2000/930; A/55/450-S/2000/957; A/55/466-S/2000/971; A/55/474-S/2000/984; A/55/490-S/2000/993; A/ES-10/39-S/2000/1015; A/ES-10/40-S/2000/1025; A/ES-10/42-S/2000/1068; A/ES-10/43-S/2000/1078; A/ES-10/44-S/2000/1093; A/ES-10/45-S/2000/1104; A/ES-10/46-S/2000/1107; A/ES-10/47-S/2000/1116; A/ES-10/48-S/2000/1129; A/ES-10/49-S/2000/1154; A/ES-10/50-S/2000/1173; A/ES-10/51-S/2000/1185; A/ES-10/52-S/2000/1206; A/ES-10/53-S/2000/1247; A/ES-10/54-S/2001/7; A/ES-10/55-S/2001/33; A/ES-10/56-S/2001/50; A/ES-10/57-S/2001/101; A/ES-10/58-S/2001/131; A/ES-10/59-S/2001/156; A/ES-10/60-S/2001/175; A/ES-10/61-S/2001/189; A/ES-10/64-S/2001/209; A/ES-10/65-S/2001/226; A/ES-10/66-S/2001/239; A/ES-10/67-S/2001/255; A/ES-10/68-S/2001/284; A/ES-10/69-S/2001/295; A/ES-10/70-S/2001/304; A/ES-10/71-S/2001/314; A/ES-10/72-S/2001/332; A/ES-10/75-S/2001/352; A/ES-10/76-S/2001/372; A/ES-10/79-S/2001/418; A/ES-10/80-S/2001/432; A/ES-10/81-S/2001/447; A/ES-10/82-S/2001/463; A/ES-10/83-S/2001/471; A/ES-10/84-S/2001/479; A/ES-10/85-S/2001/486; A/ES-10/86-S/2001/496; A/ES-10/87-S/2001/504; A/ES-10/88-S/2001/508; A/ES-10/89-S/2001/544; A/ES-10/90-S/2001/586; A/ES-10/91-S/2001/605; A/ES-10/92-S/2001/629; A/ES-10/93-S/2001/657; A/ES-10/94-S/2001/669; A/ES-10/95-S/2001/686; A/ES-10/96-S/2001/697; A/ES-10/97-S/2001/708; A/ES-10/98-S/2001/717; A/ES-10/99-S/2001/742; A/ES-10/100-S/2001/754; A/ES-10/101-S/2001/783; A/ES-10/102-S/2001/785; A/ES-10/103-S/2001/798; A/ES-10/104-S/2001/812; A/ES-10/105-S/2001/814; A/ES-10/107-S/2001/821; A/ES-10/108-S/2001/826; A/ES-10/111-S/2001/880; A/ES-10/112-S/2001/918; A/ES-10/114-S/2001/928; A/ES-10/115-S/2001/932; A/ES-10/116-S/2001/941; A/ES-10/117-S/2001/971; A/ES-10/118-S/2001/989; A/ES-10/119-S/2001/991; A/ES-10/121-S/2001/1007; A/ES-10/122-S/2001/1024; A/ES-10/123-S/2001/1036; A/ES-10/124-S/2001/1084; A/ES-10/125-S/2001/1092; A/ES-10/126-S/2001/1118; A/ES-10/128-S/2001/1149 and A/ES-10/129-S/2001/1166), I regret to inform you that the 29 Palestinians killed by Israeli occupying forces raise the total number of Palestinians killed since 28 September 2000 to 832. (The names of the martyrs are contained in the annex to the present letter.)

I would be grateful if you would arrange to have the text of the present letter and its annex distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

Please accept, Your Excellency, the assurances of my highest consideration.

(*Signed*) Dr. Nasser **Al-Kidwa**
Ambassador
Permanent Observer of Palestine to the United Nations

Annex to the identical letters dated 21 December 2001 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

Names of martyrs killed by Israeli occupying forces in the Occupied Palestinian Territory, including Jerusalem* (Monday, 10 December, to Thursday, 20 December 2001)

Monday, 10 December 2001
(in addition to names of martyrs included in letter dated 10 December 2001)

Shady Ahmed Arafa (12 years old)

Tuesday, 11 December 2001

1. Mohammed Khalil Abu Maraheel
2. Mohammed Abdel Qader Jam'an

Wednesday, 12 December 2001

1. Yasser Hassan Abu Namoos
2. Asa'ad Abdel Karim Abu Sittah
3. Saeed Ahmed Abu Sittah
4. Fadel Abu Ebeid
5. Hayat Asa'ad Al-Haytham

Thursday, 13 December 2001

1. Ahmed Mohammed Al-Damisi
2. Ahmed Khamees Al-Masri (15 years old)
3. Ramy Saleh Zo'rob (13 years old)

Friday, 14 December 2001

1. Rizq Sha'baa Abu Khadeejeh
2. Jawad Al-Dams Sha'baa
3. Khaled Yaqoub
4. Mohammed Abdel Aziz Ashour
5. Asa'ad Abu Attiyah
6. Abdel Baset Mohammed Abu Turki
7. Imad El-Dean Al-Omrani

Saturday, 15 December 2001

1. Ahmed Mohammed Al-Basyouni
2. Yussef Shawki Al-Najjar (11 years old)
3. Mohammed Abu Zaher (16 years old)
4. Ammar Mohammed Al-Ghaleez (16 years old)
5. Sa'eed Abd Rabbo Dawood

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* The total number of Palestinian martyrs killed by Israeli occupying forces since 28 September 2000 is 832.

Sunday, 16 December 2001

Abdallah Ibrahim Al-Tarawa

Monday, 17 December 2001

1. Munjed Selman
2. Mohammed Jum'an (13 years old)
3. Yaqoub Edkayek

Thursday, 20 December 2001

1. Deeb Asa'ad Farawy
2. Mohammed Saeed Hawash

United Nations A/ES-10/134–S/2001/1261

General Assembly
Security Council

Distr.: General
26 December 2001

Original: English

General Assembly
Tenth emergency special session
Agenda item 5
Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Security Council
Fifty-sixth year

Identical letters dated 26 December 2001 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

On Christmas Eve, Israel, the occupying Power, used military measures to obstruct the attendance by the President of the Palestinian Authority of religious observances in Bethlehem. This step, which was made public, represents gross and severe violations of the agreements reached between the Palestinian and Israeli sides along with the principle of freedom of movement and freedom of access to holy places. It is a direct attack on the Presidency of the Authority and an insult to Palestinian national dignity that meant to provoke a reaction, thus ensuring the continuation of the cycle of violence.

The Israeli government has crossed a red line with regard to dealing with the Palestinian Authority and its elected President, in light of existing agreements. The Israeli government must understand that reneging on the requirements of the recognition of the Palestinian Authority and its rights can only destroy the historical mutual recognition reached between the Palestinian and Israeli sides in 1993, for which the Israeli government will bear full legal and political responsibility. Israel can not have it both ways, and the Palestinian Authority might find itself obliged to deal with it solely as an occupying Power.

On another important issue, Israel, the occupying Power, up until now has not responded positively to the measures taken by the Palestinian Authority to ensure a ceasefire and the ensuing declaration by some Palestinian groups of the cessation of suicide bombings in Israel. In fact, the occupying Power continues with its military campaign and it is also trying to achieve the illegitimate goal of branding violent acts in the Occupied Palestinian Territory as terrorism. Resistance to foreign occupation has always been and will always remain legitimate. In the Palestinian case, Israeli settlers illegally brought by the occupying Power to the Occupied Territory remain the responsibility of the occupying Power and cannot be regarded as protected persons under international law. Those settlers are illegal and will remain so until they leave with the end of occupation.

01-71678 (E) 261201

The Palestinian Authority, however, out of its commitment to the negotiated settlement within the peace process, remains committed to the ceasefire and remains opposed to violence, even in the Occupied Palestinian Territory, including Jerusalem. However, Israeli attempts to legitimize the illegal presence of settlers and to undermine the clear legal case of the Occupied Palestinian Territory are absolutely rejected. Furthermore, Israel's persistence in its military campaign against the Palestinian people, if continued, can only lead to a Palestinian reaction and legitimate Palestinian resistance. The world has been aware of the utmost seriousness of the two issues mentioned above and while we hold Israel responsible, we hope that the international community can do its part to save the situation in the interest of peace in the Middle East.

In follow-up of my previous 85 letters to you regarding this grave situation in the Occupied Palestinian Territory, including Jerusalem, dated from 29 September 2000 to 21 December 2001 (A/55/432-S/2000/921; A/55/437-S/2000/930; A/55/450-S/2000/957; A/55/466-S/2000/971; A/55/474-S/2000/984; A/55/490-S/2000/993; A/ES-10/39-S/2000/1015; A/ES-10/40-S/2000/1025; A/ES-10/42-S/2000/1068; A/ES-10/43-S/2000/1078; A/ES-10/44-S/2000/1093; A/ES-10/45-S/2000/1104; A/ES-10/46-S/2000/1107; A/ES-10/47-S/2000/1116; A/ES-10/48-S/2000/1129; A/ES-10/49-S/2000/1154; A/ES-10/50-S/2000/1173; A/ES-10/51-S/2000/1185; A/ES-10/52-S/2000/1206; A/ES-10/53-S/2000/1247; A/ES-10/54-S/2001/7; A/ES-10/55-S/2001/33; A/ES-10/56-S/2001/50; A/ES-10/57-S/2001/101; A/ES-10/58-S/2001/131; A/ES-10/59-S/2001/156; A/ES-10/60-S/2001/175; A/ES-10/61-S/2001/189; A/ES-10/64-S/2001/209; A/ES-10/65-S/2001/226; A/ES-10/66-S/2001/239; A/ES-10/67-S/2001/255; A/ES-10/68-S/2001/284; A/ES-10/69-S/2001/295; A/ES-10/70-S/2001/304; A/ES-10/71-S/2001/314; A/ES-10/72-S/2001/332; A/ES-10/75-S/2001/352; A/ES-10/76-S/2001/372; A/ES-10/79-S/2001/418; A/ES-10/80-S/2001/432; A/ES-10/81-S/2001/447; A/ES-10/82-S/2001/463; A/ES-10/83-S/2001/471; A/ES-10/84-S/2001/479; A/ES-10/85-S/2001/486; A/ES-10/86-S/2001/496; A/ES-10/87-S/2001/504; A/ES-10/88-S/2001/508; A/ES-10/89-S/2001/544; A/ES-10/90-S/2001/586; A/ES-10/91-S/2001/605; A/ES-10/92-S/2001/629; A/ES-10/93-S/2001/657; A/ES-10/94-S/2001/669; A/ES-10/95-S/2001/686; A/ES-10/96-S/2001/697; A/ES-10/97-S/2001/708; A/ES-10/98-S/2001/717; A/ES-10/99-S/2001/742; A/ES-10/100-S/2001/754; A/ES-10/101-S/2001/783; A/ES-10/102-S/2001/785; A/ES-10/103-S/2001/798; A/ES-10/104-S/2001/812; A/ES-10/105-S/2001/814; A/ES-10/107-S/2001/821; A/ES-10/108-S/2001/826; A/ES-10/111-S/2001/880; A/ES-10/112-S/2001/918; A/ES-10/114-S/2001/928; A/ES-10/115-S/2001/932; A/ES-10/116-S/2001/941; A/ES-10/117-S/2001/971; A/ES-10/118-S/2001/989; A/ES-10/119-S/2001/991; A/ES-10/121-S/2001/1007; A/ES-10/122-S/2001/1024; A/ES-10/123-S/2001/1036; A/ES-10/124-S/2001/1084; A/ES-10/125-S/2001/1092; A/ES-10/126-S/2001/1118; A/ES-10/128-S/2001/1149; A/ES-10/129-S/2001/1166 and A/ES-10/133-S/2001/1239).

I should be grateful if you would arrange to have the text of the present letter distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(*Signed*) Dr. Nasser **Al-Kidwa**
Ambassador
Permanent Observer of Palestine to the United Nations

United Nations A/56/718–S/2001/1206

General Assembly
Security Council

Distr.: General
13 December 2001
English
Original: Arabic

General Assembly
Fifty-sixth session
Agenda item 42
The situation in the Middle East

Security Council
Fifty-sixth year

Letter dated 18 December 2001 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General

I have the honour to inform you that since yesterday, Israeli military aircraft, included 35 warplanes and 5 helicopters, have been engaging in intensive violations of Lebanese airspace, breaking the sound barrier over Lebanese cities and villages.

At present the Israeli military aircraft are still continuing their provocative acts, which reached a dangerous level yesterday when, starting at 17.20 hours, 14 military aircraft at once overflew Lebanese cities and regions at low altitudes, causing anxiety and terror among Lebanese civilians, especially children, and terrifying large numbers of tourists who had come to spend the holiday period in Lebanon, owing to the repeated breaking of the sound barrier by those aircraft during the night-time hours.

The Israeli violations mentioned above are unjustified acts of provocation, especially since they come at a time when complete tranquillity reigns over South Lebanon. They once again belie Israel's assertions that it is calling for pacification and confirm its efforts to escalate tension through its provocation and its aggression against Lebanon, which are in flagrant violation of Security Council resolution 425 (1978) and of Lebanon's sovereignty and pose a threat to security and stability in the region.

Lebanon, in drawing your attention to the seriousness of the Israeli violations, requests you to exert the necessary efforts to stop Israeli aggression and provocation.

I should be grateful if you would have this letter circulated as a document of the General Assembly, under agenda item 42, and of the Security Council.

(*Signed*) Sélim **Tadmouri**
Ambassador
Permanent Representative

01-70353 (E) 181201 181201

United Nations S/2001/1240

Security Council

Distr.: General
21 December 2001
English
Original: French

Letter dated 14 December 2001 from the Chairman of the Security Council Committee established pursuant to resolution 864 (1993) concerning the situation in Angola addressed to the President of the Security Council

On behalf of the Security Council Committee established pursuant to resolution 864 (1993), I have the honour to submit to the Council the supplementary report of the Monitoring Mechanism on Sanctions against UNITA, in accordance with paragraph 6 of Security Council resolution 1348 (2001). The report was circulated to States Members of the United Nations for information on 12 October 2001 (S/2001/966). The Committee completed consideration of the report at its 39th meeting, on 11 December 2001.

(*Signed*) Richard **Ryan**
Chairman of the Security Council Committee established pursuant to resolution 864 (1993) concerning the situation in Angola

01-71516 (E) 271201 271201

United Nations S/2001/1241

Security Council

Distr.: General
26 December 2001
English
Original: French

Letter dated 21 December 2001 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from Grenada submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you would arrange for this letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman of the Counter-Terrorism Committee

01-71590 (E) 281201 281201

Annex

Letter dated 20 December 2001 from the Permanent Representative of Grenada to the United Nations addressed to the Chairman of the Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

[Original: English]

I wish to forward the enclosed report on actions being taken by the Government of Grenada to implement Security Council resolution 1373 (2001).

(*Signed*) Lamuel A. **Stanislaus**
Permanent Representative

Enclosure

Report submitted pursuant to paragraph 6 of Security Council resolution 1373 (2001) of 28 September 2001

Grenada

Hereunder are the responses prepared by the Government of Grenada in regard to questions posed on Security Council resolution 1373 (2001).

Operative paragraph 1

1 (a) Though there is presently no particular measure in place, the process has started of developing legislation to deal comprehensively with the financing of terrorist acts.

In addition, banks and financial institutions operating in Grenada as well as government regulatory bodies have been alerted to this possibility and lists of known terrorists and their organizations have been circulated to them as well as to ports of entry.

1 (b) Grenada does not, at the moment, in any organized, legal way, have a listing of those specific offences and the penalties therefor.

However, insofar as it can be shown that such collections are for criminal purposes, they can be dealt with under existing laws (the Criminal Code).

1 (c) Under the rules of the Supreme Court, a Mareva Injunction can be obtained from the High Court, which, if granted, will be served on all banks and financial institutions to freeze specific accounts.

That procedure would usually be done ex-parte, that is, without notice to the other side or party under suspicion.

1 (d) There is no existing legislation except insofar as it can be shown that such funds are for criminal purposes. The Criminal Code thus takes care of such or similar situations.

Operative paragraph 2

2 (a) Legislation provides for the position that weapons may not be taken out of the country without the express permission or knowledge of the Commissioner of Police.

2 (b) There is regular networking and constant sharing of information with the other law enforcement agencies both intra- and extra-Caribbean. These include the Federal Bureau of Investigation and Interpol.

2 (c) Grenada has specific immigration legislation which can deal with these issues. In the past, there were situations where individuals have been declared persona non grata through the application of said legislation.

2 (d) Though particular examples cannot be given at this time, the immigration legislation does cover and takes care of any contemplation of such an eventuality.

2 (e) Contemplation of conspiracy to commit acts can be dealt with adequately under present legislation. Terrorism has as an obvious consequence murder. It can thus be viewed as conspiracy to commit murder or other such felony.

2 (f) Grenada does have extradition treaties in place with other countries and information sharing agreements as well as legislation recently passed in Parliament which will allow easier sharing of information.

2 (g) Our immigration protocol assists in the furtherance of efficiency in handling such movement. Furthermore, the recently introduced machine-readable passport system is secure and our due diligence procedures in our financial and citizenship sectors are extremely tight and are now statutory requirements.

Operative paragraph 3

3 (a) As indicated earlier, there is regular and organized networking with other jurisdictions on the anti-crime landscape.

Additionally and specifically, there is soon to be freedom in the exchange of information with other regulatory bodies in the financial arena. This is being made possible by the putting in place of new financial regulations and amendments to strengthen the offshore financial services legislation.

3 (b) Response as elucidated in 3 (a).

3 (c) There is no such specific legislation in place presently. However, this can be achieved through existing bilateral agreements with friendly countries and through operational guidelines.

3 (d) The outstanding 11 relevant conventions and protocols have all been acceded to by the Government and deposited by our Ambassador to the United Nations. These conventions are now being reviewed by the Ministry of Legal Affairs so that the necessary legislation can be enacted.

3 (e) Steps have been taken and are being taken to meet these requirements. However, assistance in drafting additional required legislation and in implementing them once in place will be greatly appreciated.

3 (f) Grenada has not had any particular instances of persons appearing as asylum seekers. However, in cases where persons want to reside or obtain citizenship here, due diligence checks are undertaken by the police. These include the requesting of relevant criminal or such data on them from the jurisdictions from which they came, in addition to sources like Interpol.

3 (g) Response to 2 (g) and 3 (f) are seen as relevant to the particular issues raised and can therefore adequately respond to them.

United Nations S/2001/1242

Security Council

Distr.: General
26 December 2001
English
Original: French

Letter dated 21 December 2001 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from Austria, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you would arrange for this letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Counter-Terrorism Committee

01-71596 (E) 271201 090102

Annex

[Original: English]

Letter dated 20 December 2001 from the Chargé d'affaires a.i. of the Permanent Mission of Austria to the United Nations addressed to the Chairman of the Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

I have the honour to submit the Austrian report to the Counter-Terrorism Committee pursuant to paragraph 6 of Security Council resolution 1373 (2001) (see enclosure).

(*Signed*) Michael **Schmidt**
Chargé d'affaires a.i.

Enclosure

Report by Austria to the Committee established under paragraph 6 of resolution 1373 (2001) adopted by the Security Council at its 4385th meeting, on 28 September 2001

United Nations Security Council Resolution 1373 calls upon all States to report within 90 days to the Committee established under the provisions of the Resolution on the steps taken to implement the Resolution. A joint report of the European Union of which Austria is a member State covering actions taken within the framework of the Treaty on the European Union and the Treaty establishing the European Community is submitted separately by the European Union (the EU report will be issued as S/2001/1295).

The present report, therefore, covers only actions taken or in place at the Austrian national level. It is set out according to the guidelines circulated by the Chairman of the Committee established under UNSCR 1373.

1 (a) What measures if any have been taken to prevent and suppress the financing of terrorist acts in addition to those listed in response to questions on 1 (b) to (d)?

The International Convention for the Suppression of the Financing of Terrorism has been signed by Austria on 24 September 2001 and is currently before the Austrian Parliament in accordance with the national ratification procedure.

1 (b) What are the offences and penalties in your country with respect to the activities listed in this sub-paragraph?

A. Financing of armed associations (Section 279 of the Penal Code). Penalty: Deprivation of liberty of up to 3 years.

B. Under certain circumstances the intentional financing of a specific terrorist act would be considered as an act of assistance (participation) to the terrorist act itself (Section 12 of the Penal Code in relation with the offence committed, e.g. murder, intentional endangering by explosives etc.). However, the terrorist act in question would at least have to be attempted in order to make the (financing) participant punishable (Sections 15 Paras. 1 and 2 of the Penal Code).
Penalty: Sanctions would depend on the specific offence committed and would range up to a deprivation of liberty of 10 to 20 years or life imprisonment, depending on the gravity of the offence (Section 12 of the Penal Code in relation with the relevant general offence committed; e.g. murder).

C. Under certain circumstances, the providing or collecting of money in order to finance the activities of a criminal organization would be considered as participation in the criminal organization as such. In this case, it is not necessary that a specific terrorist act has already been committed or attempted (Section 278a of the Penal Code).
Penalty: Deprivation of liberty of 6 months to 5 years.

D. Certain acts of handling assets when committed with the knowledge that the assets belong to a criminal organization would be considered as the laundering of assets that belong to a criminal organization as defined in Section 278a of the Penal Code (Section 278a Para. 2 of the Penal Code).
Penalty: Deprivation of liberty of up to 5 years (Section 278a Para. 2 of the Penal Code).

1 (c) What legislation and procedures exist for freezing accounts and assets at banks and financial institutions?

As regards criminal procedure, with respect to proceeds suspected to have been obtained through or for the commitment of a criminal offence as well as assets within the disposition of a criminal organization as defined in Section 278a of the Penal Code, an injunction may be issued by the competent court (Section 144a of the Criminal Procedure Code in relation with Sections 20 and 20b of the Penal Code). In addition, the Banking Act provides in Section 41 for the temporary postponement of impending transactions. The Penal Code and the Code of Criminal Procedure contain also provisions regarding confiscation of assets and forfeiture.

Furthermore, Section 99 No. 17 of the Banking Act as well as Sections 23 and 24 of the Foreign Exchange Act stipulate that any disposition over frozen accounts contrary to directly applicable EC Regulations is an administrative or criminal offence (either according to the Banking Act or to the Foreign Exchange Act). This applies to all accounts frozen by EU Council Regulation No. 467/2001 (as amended four times), implementing UNSCR 1267 and 1333.

If there is no directly applicable EC Regulation (see in particular the EU Report) in place, Section 78 Para. 7 of the Banking Act stipulates that the Federal Government with the consent of the Main Committee of the National Council (first chamber of the Parliament) is empowered to prohibit by way of regulation the disposition over accounts held with credit institutions in Austria if such accounts

1. are the property of authorities or other state agencies of a particular state or of companies having their corporate seat in a particular state, or
2. are the property of companies governed by the authorities, agencies or companies named in No. 1 either financially or by the way of organization or are otherwise economically controlled by these companies.

In cases in which these conditions are disputed between the credit institutions and the owner of the account, the regulation may determine that proof of non-existence of these conditions must be furnished by the owner of the account as far as circumstances in his sphere are concerned and for this reason the credit institution cannot be expected to furnish the respective evidence.

1 (d) What measures exist to prohibit the activities listed in this sub-paragraph?

Due to the recent events, a special Task Force was formed in the Federal Ministry of the Interior which is dealing, jointly with EBT (squad combating terrorism) and EDOK (organized crime squad), with the necessary measures at the national level. Amongst other things, the EDOK Financial Intelligence Unit regularly organizes conferences for employees of credit and financial institutions on combating money laundering. One of these conferences also dealt with the phenomenon of the "Financing of Terrorism".

At present, also the implementation of the amended EC-money laundering directive is in preparation. Moreover, there are activities of the Federal Ministry of Finance and measures of the credit institutions to meet the objective of this requirement.

There has also been a Credit Summit of the Ministers of Finance, Interior and Justice together with the heads of the banking sector. The Minister of Finance has urged the credit institutions to continue and increase diligence on customers possibly related to terrorism. The summit agreed upon unanimous rejection of such business relationship. Determination for close co-operation with the authorities, especially with EDOK, was expressed. As a follow-up of the summit, the credit and insurance industry issued a declaration on solidarity against the abuse of the financial system for terrorist financing and on enhanced diligence. Credit and insurance institutions will in particular

- refuse business relationships in case of a suspicion even if they were not legally obliged to do so and

- report any kind of suspicion of a terrorist related financial activity to the competent authority.

This declaration is available on the Internet homepage of the Austrian Chamber of Commerce (wko.at/bsbv/terrorismus.htm).

All lists of accounts of possible terrorist-related entities (both of UN-SC-Resolutions as well as lists provided by the United States of America) have been transmitted to EDOK, the Austrian National Bank, credit institutions and the Austrian Chamber of Commerce. The lists have been made publicly available via the internet (there is a link from the homepage of the Federal Ministry of Finance to the US-Treasury's publication of the US-President's Executive order 13224 with the latest list of suspects annexed to it) and credit institutions will have to apply enhanced diligence according to Section 39 of the Banking Act.

2 (a) What legislation or other measures are in place to give effect to this sub-paragraph? In particular, what offences in your country prohibit (i) recruitment to terrorist groups and (ii) the supply of weapons to terrorists? What other measures help prevent such activities?

i. Recruitment:

As soon as three or more people conspire with the intent to continually committing criminal offences (criminal organization), this is considered to be a general risk, which law enforcement authorities pursuant to Section 21 of the Security Police Act have to eliminate.

a. The participation in a criminal organization as defined in Section 278a of the Penal Code constitutes a criminal offence.
Penalty: Deprivation of liberty of 6 months to 5 years (Section 278a of the Penal Code).

b. The recruitment of members for armed associations constitutes a criminal offence.
Penalty: Deprivation of liberty of up to 3 years (Section 279 of the Penal Code).

ii. Supply of weapons to terrorists:

Based on the Weapons Act access to arms is subject to thorough checks of the applicant. According to this law, illegal possession of firearms – dependent on the type of arm – is punishable by a court or an administrative authority.

In addition, the export of weapons is subject to export control under the Austrian Foreign Trade Act and the War Material Act. When issuing licences for exports of weapons to third countries Austria applies the common standards of the EU Code of Conduct on arms exports. According to criterion 7 of the EU Code of Conduct licences will be refused if there is the risk that the arms to be exported could be diverted to terrorist organizations.

As regards foreign trade with war material and procurement of war material, the War Material Act provides strict procedures with regard to granting permission. These procedures meet the criteria elaborated in the framework of the European Political Co-operation in view of a harmonisation of arms exports and adopted by the European Councils of Luxembourg (1991) and Lisbon (1992).

a. The supply of weapons to armed associations constitutes a criminal offence.
Penalty: Deprivation of liberty of up to 3 years (Section 279 of the Penal Code).

b. The acquisition, possession or transfer of weapons or ammunition in order to equip a considerable number of people for combat constitutes a criminal offence.
Penalty: Deprivation of liberty of up to 3 years (Section 280 of the Penal Code).

c. The import, export or transfer of war material through Austrian territory constitutes a criminal offence if necessary permissions have not been obtained or regulations prohibiting the export to certain countries have been violated. Even negligence would make the act punishable.
Penalty: Deprivation of liberty of up to 2 years or fine of up to 360 day fines (Section 7 of the War Material Act).

d. The possession of certain arms, weapons and ammunition constitutes a criminal offence. Even negligence would make the act punishable.
Penalty: Deprivation of liberty of up to 1 year or fine of up to 360 day fines (Section 50 Para. 1 of the Weapons Act).

As regards administrative measures, presently extended risk assessment carried out by law enforcement authorities is being discussed; this shall be included in an amendment to the Security Police Act. Moreover, increasing security checks at airports and background checks on staff having access to airplanes under the Civil Aviation Security Act is being considered.

2 (b) What other steps are being taken to prevent the commission of terrorist acts, and in particular, what early warning mechanisms exist to allow exchange of information with other states?

The international co-operation with intelligence services and law enforcement agencies as well as EUROPOL has been intensified. The exchange of information has been accelerated through an optimisation of the workflow and a much higher employment of resources. Austria organized a meeting of the Police Working Group on Terrorism (PWGT) on combating terrorism and participated in several other international meetings on this subject. Moreover, a representative of Austria takes part in the newly formed EUROPOL Task Force on Terrorism.

In addition, Austria participates actively in the EU fora and supports the extensive relevant EU initiatives and implements them in Austria (see also the EU Report).

2 (c) What legislation or procedures exist for denying safe haven to terrorists, such as laws for excluding or expelling the types of individuals referred to in this sub-paragraph?

On 9 October 2001, the Austrian Federal Ministry of the Interior gave instructions for compulsory consultation of the Ministry in case of visa and residence permit applications from 21 countries.

For nationals of these countries and for persons holding travel documents issued by these countries (stateless persons, refugees, others),

- all visas – airport transit visa A, transit visa B, visa C, residence visa D, and geographically restricted visa (VrG) – and
- all permits (permission to settle and residence permit), independent of the fact whether it is a first application or an application for renewal,

may only be granted after approval by the Federal Ministry of the Interior.
Provisions for excluding or expelling such persons are laid down in the Austrian Aliens Act (see annex).

2 (d) What legislation or procedures exist to prevent terrorists acting from your territory against other states or citizens?

Austria is actively taking part in the measures and efforts which are taking place at the EU level (see the EU Report).

2 (e) What steps have been taken to establish terrorist acts as serious criminal offences and to ensure that the punishment reflects the seriousness of such terrorist acts?

There is no general offence criminalizing terrorist acts as such. Specific terrorist acts are penalized in the same way as if they were committed without terrorist motivation, for instance as murder, endangering by explosives, hijacking of an aircraft etc.
Penalty: Sanctions depend on the specific offence committed and range up to a deprivation of liberty of 10 to 20 years or life imprisonment, depending on the gravity of the offence.

Planning of terrorist acts:
The conspiracy - with at least one other person - to commit a criminal act such as murder, kidnapping, hijacking of an aircraft or endangering by explosives constitutes a criminal offence, irrespective of the actual attempt or commitment of the specific (terrorist) act (Section 277 of the Penal Code).
Penalty: Deprivation of liberty of 6 months to 5 years.

In addition, due regard will be taken of the EU framework decision on a common definition of various types of terrorist offences and serious criminal sanctions as well as the introduction of a European arrest warrant.

2 (f) What procedures and mechanisms are in place to assist other states?

Austria is a party to all applicable multilateral European conventions on extradition and mutual assistance in criminal matters, either within the Council of Europe or within the European Union, including in particular the European Convention on Extradition and its Second Protocol, the European Convention on the Suppression of Terrorism, the European Convention on Mutual Assistance in Criminal Matters and its Protocol, as well as the extradition instruments so far developed within the European Union, and the Schengen Implementation Convention.

On the bilateral level Austria has concluded a number of treaties additional to the aforementioned European conventions on extradition and mutual assistance in criminal matters, as well as treaties on extradition and mutual assistance in criminal matters with Australia, Canada, the United States of America and Yugoslavia.

On the domestic level, the Act on Extradition and Mutual Assistance in Criminal Matters is the basis for proceedings in the respective areas. However, Section 1 of that act provides that it applies only in the absence of conflicting rules of applicable international treaty law.

All these procedures and mechanisms are functioning well and a great number of cases have been dealt with successfully in the past.

2 (g) How do border controls in your country prevent the movement of terrorists? How do your procedures for issuance of identity papers and travel documents support this? What measures exist to prevent their forgery etc?

As regards border control, on 9 October 2001, instruction was given that nationals of 21 countries and holders of travel documents issued by these countries (stateless persons, refugees, others) be thoroughly checked upon entry. As a consequence, their travel documents and visas shall be checked against the national wanted persons index as well as in the Schengen Information System. This applies also to nationals of third countries being related to EEA nationals.

In addition, instruction was given that border visas – which are issued only in exceptional cases stipulated by law (e.g. for humanitarian reasons) – be issued to such persons only after approval by the Federal Ministry of the Interior.

With regard to protection from counterfeiting ID and travel documents, Austria has already achieved a maximum of security as regards counterfeiting of ID cards. Presently, efforts are made to increase also the security standards for passports to such an extent; these measures shall be concluded within two years.

3 (a) What steps have been taken to intensify and accelerate the exchange of operational information in the areas indicated in this sub-paragraph?

Nationals of specified sensitive countries applying for visas, residence permits or unlimited permissions to settle in Austria will be screened regarding any information on them related to terrorism. Moreover, national and international search systems are increasingly used.

Efforts are made to identify and prevent possible illegal financing activities of terrorist organizations in Austria.

Protection of persons, objects and civil aviation facilities has been considerably extended after the attacks.

In Austria, co-operation with all bodies potentially affected by terrorist activities has been intensified, since the highest possible efficiency in combating terrorism can only be achieved through harmonised measures (see also response given in the EU Report).

3 (b) What steps have been taken to exchange information and co-operate in the areas indicated in this sub-paragraph?

See response given under 3 (a) above as well as in the EU Report.

3 (c) What steps have been taken to co-operate in the areas indicated in this sub-paragraph?

See response given under 3 (a) above as well as in the EU Report.

3 (d) What are your intentions regarding the signing and/or ratifying the conventions and protocols referred to in this sub-paragraph?

All regional and international conventions on terrorism have been ratified and implemented by Austria with the exception of the International Convention for the Suppression of the Financing of Terrorism which has been signed on 24 September 2001 and is currently before the Austrian Parliament in accordance with the national ratification procedure.

3 (e) Provide any relevant information on the implementation of the conventions, protocols and resolutions referred to in this sub-paragraph?

Implementation of a criminal sanction of terrorist financing, as far as this is not covered by present law, will be done in parallel with the ratification procedure concerning the International Convention for the Suppression of the Financing of Terrorism.

Close co-operation and exchange of information is performed by the financial intelligence unit EDOK.

In case of suspected insider trading by terrorists or terrorist related entities close co-operation and exchange of information with other security supervisors is also being performed by the Austrian Securities Authority (ASA) according to the provisions of the Securities Act.

3 (f) What legislation, procedures and mechanisms are in place for ensuring asylum seekers have not been involved in terrorist activity before granting refugee status?

Section 13 sub-section 1 of the Asylum Act stipulates that asylum shall not be granted if one of the conditions for exclusion determined in Art. 1 Chapter F of the Geneva Refugee Convention is met.

Sub-section 2 excludes asylum also if aliens constitute a danger to the security of the Republic for significant reasons or if they have been sentenced on the basis of a final conviction by an Austrian court for a very serious crime, and if they constitute a danger to the public because of this criminal act. A sentence by an Austrian court is to be deemed equal to a sentence by a foreign court meeting the requirements set forth in Section 73 of the Penal Code.

Section 14 sub-section 1 sub-paragraphs 4 and 5 of the Asylum Act stipulate analogously the loss of asylum if such circumstances occur afterwards.

The existence of such circumstances may be revealed during interviews in the asylum-related proceedings, or the fingerprinting of all asylum seekers pursuant to Section 35 of this act may identify an applicant as "terrorist".

No recent case of asylum seekers who can be qualified as terrorist is known to the Austrian authorities, and there is no case in which Section 13 of the Asylum Act had to be applied.

3 (g) What procedures are in place to prevent the abuse of refugee status by terrorists?

See the response given under 3 (f) above.

4 Close connection between international terrorism and transnational organized crime, illicit drugs, money laundering, illegal arms trafficking, and illegal movement of nuclear, chemical, biological and other potentially deadly materials; relevant additional information.

The terrorist attacks on 11 September 2001 have confirmed Austria's determination to implement as soon as possible the new international legal instruments on combating crime, in particular organized crime that in many cases constitutes the financial basis for terrorism. While preparations are under way to create national legislation in order to ratify the UN Convention against transnational organized crime, Austria has signed the Protocol against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition in November in the framework of the UN treaty event in New York.

Pursuing the fight against innovative forms of crime Austria has also signed the Council of Europe's Cybercrime Convention on 23 November 2001.

In addition, the inclusion of the fight against terrorism within the mandate of ODCCP is an important objective of Austria's foreign policy. To have international measures included in the Plans of Action to the Vienna Declaration, promulgated at the 10th UN Congress for Crime Prevention and Criminal Justice, was partly the result of proposals of the Austrian delegation in the CCPCJ.

As regards the illegal movement of chemical and biological materials, Austria has implemented the Chemical and Biological Weapons Conventions prohibiting, inter alia, the transfer of or the assistance in

manufacturing or acquiring biological and chemical weapons. In line with the obligations under these conventions, Austria has reviewed and, where necessary, adopted national measures to ensure the effective fulfilment of these obligations in order to exclude the use of chemical, biological and toxin weapons in terrorist or criminal activity by requiring approvals for activities with certain controlled toxic chemicals or precursors and licenses for the transfer of relevant biological and chemical materials. With regard to nuclear material, Austria fully implemented her obligations under the Convention on the Physical Protection of Nuclear Material with regard to the protection of nuclear material used for peaceful purposes in international transport and is actively participating in current international efforts to extend the scope of the Convention to domestic use, storage and transport.

The prohibition to handle nuclear, chemical and biological weapons is implemented by Section 177a of the Penal Code which provides for deprivation of liberty of up to 20 years or life imprisonment for unlawful handling of such materials.

Annex

Provisions for excluding or expelling persons as laid down in the Austrian Aliens Act (Fremdengesetz 1997)

Refusal of Entry or Residence Titles

Article 10

(1) Applications for entry or residence titles shall be refused if

1. a non-appealable residence and re-entry ban has been imposed on the applicant;

2. the residence title is to be granted immediately after the stay of an alien in Austria with a tourist or transit visa and if the application is made after entry into Austria;

3. the residence title shall not be granted after an alien has entered Austria without a visa (Articles 28 and/or 29), with the exception of seasonal workers (Article 9), third-state nationals with preferential status (Article 47) or dependants of Austrian nationals (Article 49).

4. an alien is unlawfully resident staying in the federal territory after having circumvented border controls;

5. an alien, without due cause, fails to appear before the record department (Article 96, paragraph 1, number 5) following a summons indicating the refusal consequences in the case of non-appearance, or fails to co-operate in the photographing, fingerprinting and investigative procedures;

(1) Entry or residence titles may be refused if there are justified reasons to assume that the alien could constitute a threat to the public interest (Article 8, paragraph 3, number2) especially in the event that

1. the alien applying for such a title is not covered by an all-risk health insurance or does not possess the means to assure his livelihood or – in the case of entry or time-limited residence titles, to pay for his departure from Austria;

2. the alien's stay could impose a financial burden on a local government authority, unless this burden would result from meeting a statutory claim of such an alien;

3. the alien's stay would present a threat to law and order;

4. the alien's stay would impair the relations between the Republic of Austria and another state;

5. there is reason to assume that the alien would not leave the federal territory after the expiry of his title without having been requested to do so.

Refusal of Visas

Article 11

(1) Applications for visas must be refused

1. if a contracting state[1] has indicated any ground for refusal or

2. because, as far as this appears to be the case a travel document which is not recognized by all contracting states has been submitted for obtaining an air transit, tourist or transit visa, or

[1] Contracting state means any state in which the Agreement of April 28, 1995 on Austria's accession to the Schengen Implementing Agreement, Federal Law Gazette III, No. 90/1997 has been enacted.

(1) in the event that a tourist visa in combination with an expired visa would allow an alien to stay in the contracting states for a period of more than three months following six months after the first entry.

Rejection at the border

Article 52 (1) Aliens shall be rejected at the frontier-crossing point (rejection) if their identity is in doubt, if they have not complied with the passport and visa requirements or if they present at a frontier-crossing point other than the one specified to them (Articles 6 and 42). Rejection shall not be admissible if it runs counter to a federal law, bilateral or multilateral agreements or international practice.

(2) Aliens shall be rejected at the frontier-crossing point

1. if they are subject to an enforceable residence ban and have not been granted a re-entry permit;

2. if a Contracting State has notified that their stay on the territory of the Contracting States would constitute a threat to public peace, law and national security unless they hold a residence title issued by a Contracting State or an entry title issued by Austria.

3. if, while they are entitled to enter the country without a visa for the purpose they have indicated, certain facts justify the assumption that

a) their stay on federal territory would constitute a threat to public peace, law and national security or to the relations between the Republic of Austria and another country;

b) they intend to take up gainful employment on federal territory in the absence of the requisite permits;

c) they will engage or participate in alien smuggling on federal territory;

4. if they have no domicile on federal territory and do not have the means necessary for their subsistence and departure;

5. if certain facts justify the assumption that they intend to commit premeditated fiscal offences other than minor violations of fiscal law or premeditated contraventions of foreign currency regulations.

Expulsion of aliens without residence title

Article 33

(1) Aliens can be expelled by administrative decision if they do not lawfully reside on federal territory.

(2) Aliens who neither hold a residence title nor are exempt from the requirement to obtain a visa and residence title nor enjoy the freedom of establishment (Article 30, paragraph 1) can be expelled by administrative decision

1. if they have been convicted by a penal court for a premeditated offence committed within one month of their entry, even if such conviction has not yet become final, or

2. if, within one month of their entry, they have been found flagrante delicto when committing a premeditated offence or been credibly accused of such offence immediately after commission, if said offence is subject to a substantial punishment and if the public prosecutor having jurisdiction has declared that he or she intends to report to the Federal Minister of Justice under Article 74 ARHG, or

3. if they violate the provisions governing prostitution within one month of their entry, or

4. if they are unable, within one month of their entry, to furnish proof that they are in possession of the necessary means for their subsistence, or

5. if they are found, within one month of their entry, by an organ of the Labour Inspectorates, the regional or provincial agencies of the Labour Market Service, to pursue an occupation which they ought not to have pursued under the Foreign Nationals Employment Act, or

6. if they have entered federal territory in violation of the provisions of Chapter Two or in circumvention of border controls and have been found to have done so within one month in the course of said unlawful residence and if their immediate departure is required in the interest of public order.

Expulsion of aliens holding a residence title

Article 34 *(1) Aliens who reside on federal territory under a residence title or in the course of proceedings for obtaining a subsequent residence title can be expelled by administrative decision*

1. if grounds for refusal running counter to the granting of the latest previous residence title occur or become known a posteriori, or

2. if grounds for refusal run counter to the granting of a subsequent residence title, or

3. if the residence title was granted to an alien who had claimed marital status even though he or she was not leading a family life as defined in Article 8 of the ECHR.

Residence ban

Article 36

(1) A residence ban can be imposed on an alien if certain facts suggest that such residence ban is justified since his or her presence would

1. constitute a threat to public peace, law and order or

2. run counter to other public interests referred to in Article 8, paragraph 2 ECHR.

(2) Certain facts as referred to in paragraph 1 above shall in particular apply if an alien

1. has been finally convicted by a domestic court and sentenced to unconditional imprisonment for more than three months, to partly remitted conditional imprisonment, remitted conditional imprisonment for more than six months, or if he or she has been finally convicted more than once for criminal offences due to the same harmful propensity;

2. has been finally sentenced more than once for an administrative offence under Article 99 paragraph 1 or 2 of the Road Traffic Act of 1960, Federal Law Gazette No. 159, under Article 366, paragraph 1, number 1 of the Trade Regulation Act of 1994, Federal Law Gazette No. 194 relative to a regulated trade subject to licensing, under Article 81 or 82 of the Law Enforcement Act (SGP), Federal Law Gazette No. 566/1991 or under Article 9 or 14 in combination with Article 19 of the Law of Assembly of 1953, Federal Law Gazette No. 233 or for a serious violation of said federal Act, of the Border Control Act, Federal Law Gazette No. 435/1996, of the Registration Act of 1991, Federal Law Gazette No. 9/1992 or of the Foreign Nationals Employment Act;

3. has been finally sentenced by a domestic authority for premeditated fiscal offences other than minor violations of fiscal law or for premeditated contraventions of foreign currency regulations;

4. has been finally sentenced in Austria of a serious offence against provisions governing prostitution or has been finally convicted in Austria or abroad for procurement;

5. has practised or participated in the smuggling of aliens for financial gain;

6. *has wrongly informed an Austrian authority or its organs on his or her person, his or her personal circumstances, the purpose or intended duration of his or her stay in order to obtain the right of entry or residence under Article 31, paragraphs 1 and 3;*

7. *is unable to give proof of being in possession of the necessary means for his or her subsistence, unless he or she has lawfully entered federal territory for the purpose of taking up work and has within the last year lawfully pursued gainful activity in Austria for more than six months;*

8. *is found by an organ of the Labour Inspectorate, the regional or provincial agencies of the Labour Market Service, to pursue an occupation which he or she ought not to have pursued under the Foreign Nationals Employment Act;*

9. *he or she has concluded marriage or claimed marital status in order to obtain a residence title or nation-wide work permit even though he or she was not leading a family life as defined in Article 8 of the ECHR, and if he or she has done so for a pecuniary consideration.*

Deportation

Article 56 *(1) Aliens against whom a residence ban or an expulsion order is enforceable can be ordered by the authority to leave the country (deportation) if*

1. *maintenance of public peace, order and security make it appear necessary to supervise their departure, or*

2. *they have failed to comply in time with their obligation to leave, or*

3. *certain facts suggest that they may not comply with their obligation to leave, or*

4. *they have re-entered federal territory in contravention of a residence ban.*